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JOURNAL

OF

THE HOUSE OF REPRESENTATIVES,

AT THE

TWENTY-FOURTH SESSION

OF

THE GENERAL ASSEMBLY

OF THE

STATE OF INDIANA,

COMMENCED AT INDIANAPOLIS,

ON MONDAY, THE SECOND DAY OF DECEMBER, 1839.

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JOURNAL

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THE HOUSE OF REPRESENTATIVES,

AT THE TWENTY-FOURTH SESSION

OF THE

GENERAL ASSEMBLY OF THE STATE OF INDIANA.

Begun and held at the Capitol, in the town of Indianapolis, on Monday the second day of December, in the year of our Lord one thousand eight hundred and thirty-nine, being the day appointed by law for the meeting of the General Assembly.

The following members of the House of Representatives appeared, produced their credentials, were sworn into office by the Hon. Isaac Blackford, one of the Judges of the Supreme Court of the State of Indiana, and took their seats, to wit:

From the county of Dearborn—Amos Lane, William Lanius, William Conway, and William Perry.

From the county of Wayne—William Baker, Morris Lancaster, Caleb B. Jackson, and Lewis Burke.

From the county of Rush—Jesse Morgan, Thomas Worster, and Osmyn Robinson.

From the county of Parke—Jeptha Garrigus, and Robert Clark.

From the county of Fountain—James P. Carleton.

From the county of Tippecanoe—James White, and William M. Porter.

From the county of Henry—Robert M. Cooper, and Ralph Berkshire.

From the county of Fayette—Matthew R. Hull, and Samuel W. Parker.

From the county of Union—William H. Bennett, and James Osborn.

From the county of Marion—James Johnson, and Philip Sweetser.

From the county of Shelby—William W. M'Coy, and Balis Coats.

From the county of Harrison—Nathaniel Albertson, and John Zenor.

From the county of Lawrence—Robert M. Carleton, and Hugh Hamer.

From the county of Franklin—Elisha Long, and Redin Osborn.

From the county of Jefferson—George Robinson, John Hunt, jr., and Charles Woodard.

From the county of Clark—James G. Read, and Thomas J. Henley.

From the county of Washington—Henry C. Monroe, and John I. Morrison.

From the county of Vermillion—Joseph Moore.

From the counties of Bartholomew and Brown—Benjamin F. Arnold, and Eliakim Hamlin.

From the county of Owen—George W. Moore.

From the county of Green—John F. Allison.

From the county of Clay—John Osborn.

From the county of Warren—William G. Montgomery.

From the county of Clinton—Samuel C. Dunn.

From the county of Carroll—Henry B. Milroy.

From the county of Monroe—Joseph Campbell.

From the county of Johnson—Fabius M. Finch.

From the county of Morgan—John Eccles.

From the county of Hendricks—James F. Beckett.

From the county of Hancock—John Foster.

From the county of Boone—John H. Nelson.

From the county of Madison—Willis G. Atherton.

From the county of Hamilton—Francis B. Cogswell.

From the county of Allen—Lewis G. Thompson.

From the county of Elkhart—Matthew Rippey.

From the county of Laporte—Sylvanus Everts.

From the county of Decatur—Martin Jamison.

From the county of Ripley—Joseph Robinson.

From the county of Switzerland—Elwood Fisher.

From the county of Orange—William A. Bowles.

From the county of Posey—Matthew R. Southard.

From the county of Vanderburgh—William B. Butler.

From the county of Warrick—Alpha Frisbie.

From the county of Gibson—Smith Miller.

From the county of Cass—Graham N. Fitch.

From the county of Floyd—Isaac Stewart.

From the county of Jackson—William Shields.

From the county of Scott—Elisha G. English.

From the county of Jennings—John L. Spann.

From the county of Knox—Samuel Judah, and Jonathan P. Cox.

From the counties of Daviess and Martin—John Flint.

From the county of Vigo—George W. Cutter, and Joseph S. Jenckes.

From the county of Sullivan—William R. Hadden, and Justus Davis.

From the county of Putnam—Edward W. McGaughey and Joseph F. Farley.

From the county of Montgomery—Henry Lec, John Nelson, and Abijah O'Neill.

From the county of Crawford—Samuel Sands.

From the counties of Perry and Spencer—William Jones.

From the county of Pike—Elijah Bell.

From the county of Dubois—Benjamin Edmonson.

From the counties of Grant and Wabash—James Shively.

From the counties of Noble, Lagrange, Steuben, and De Kalb—David B. Herriman.

From the counties of Kosciusko, Marshall, and Stark—Amizi L. Wheeler.

From the counties of White, Jasper, and Pulaski, John B. Wilson.

From the counties of Huntington, Adams, Wells, Whitley, and Jay—Lewis W. Purviance.

From the counties of Miami and Fulton—Alexander Wilson.

From the county of St. Joseph—Leonard Rush.

From the county of Delaware—Abraham Buckles.

From the county of Randolph—Miles Hunt.

The House then proceeded to the election of a Speaker, Messrs. Bennett and Henley acting as tellers. On counting the first ballot, it appeared that

James G. Read received	51 votes.
Samuel Judah, “	37 “
Scattering,	9 “

James G. Read having received a majority of the whole number of votes given, was declared duly elected Speaker of the House of Representatives during the present session. On being conducted to the Chair by Messrs. Monroe and Zenor, returned his acknowledgments to the House for the honor conferred.

On motion of Mr. Long,

The House proceeded to the election of Principal Clerk, Messrs. Long and Judah acting as tellers. On counting the first ballot, it appeared that

Horatio J. Harris received	53 votes.
Thomas P. Baldwin,	40 “
Scattering,	4 “

Horatio J. Harris having received a majority of the whole number of votes given, was declared Principal Clerk of the House of Representatives during the present session, was sworn into office by the Hon. Isaac Blackford, and entered upon the discharge of his duties.

On motion of Mr. Albertson, the House proceeded to the election

of an Assistant Clerk, Messrs. Albertson and Zenor acting as tellers. On counting the first ballot, it appeared that

Nathaniel Bolton received	56 votes.
Henry S. Christian,	29 "
Scattering,	12 "

Nathaniel Bolton having received a majority of the whole number of votes given, was declared duly elected, was sworn into office by the Hon. Isaac Blackford, and entered upon the discharge of his duties.

On motion of Mr. Osborn of Franklin, the House proceeded to the election of an Enrolling Clerk, Messrs. Osborn of Franklin and Osborn of Union acting as tellers. On counting the first ballot it appeared that

Henry Secrest received	21 votes.
Jacob H. Hager, "	35 "
John A. Murphy, "	17 "
Wilson Thompson, "	12 "
Joshua Soule, "	2 "
Joseph Chapman, "	9 "
Scattering,	1

No person having received a majority of the whole number of votes given, the House proceeded to a second balloting, when it appeared that

Henry Secrest received	30 votes.
Jacob H. Hager, "	38 "
John A. Murphy, "	12 "
Wilson Thompson, "	11 "
Joshua Soule, "	1 "
Joseph Chapman, "	4 "

No person having received a majority of the whole number of votes given, the House proceeded to a third balloting, when it appeared that

Henry Secrest received	38 votes.
Jacob H. Hager, "	40 "
John A. Murphy, "	6 "
Wilson Thompson, "	11 "
Joseph Chapman, "	1 "
Scattering,	1 "

No person having received a majority of the whole number of votes given, the House proceeded to the fourth balloting; when it appeared that

Henry Secrest received	53 votes.
Jacob H. Hager, "	40 "
Scattering,	3 "

Henry Secrest having received a majority of the whole number of votes given, was declared duly elected Enrolling Clerk of the House of Representatives, was sworn into office by the Hon. Isaac Blackford, preparatory to a discharge of his duties.

On motion, the House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

On motion of Mr. Moore of Owen,

The House proceeded to the election of Door Keeper, Messrs. Moore of O. and Eccles acted as tellers. On counting the first ballot, it appeared that

James M. Lucas received	40 votes.
Peter F. Newland, "	9 "
Thomas M. Chill, "	6 "
John Stinson, "	5 "
James Fislar, "	5 "
William Biddle, "	15 "
John E. Johnson, "	10 "
William Anderson, "	4 "

No person having received a majority of the whole number of votes given, the House proceeded to a second balloting, when it appeared that

James M. Lucas received	58 votes.
William Biddle, "	18 "
John E. Johnson, "	4 "
Thomas M. Chill, "	2 "
John Stinson, "	3 "
Peter F. Newland, "	5 "
James Fislar, "	2 "
Scattering,	1 "

James M. Lucas having received a majority of the whole number of votes given, was declared duly elected, was sworn into office, and entered upon the discharge of his duties.

Mr. Morgan moved that the House proceed to the election of a Sergeant-at-Arms, on which motion the ayes and noes being demanded,

Those who voted in the affirmative were,

Messrs. Albertson, Arnold, Atherton, Baker, Beckett, Bowles, Buckles, Campbell, Carlton of L., Davis, Eccles, Edmonston, English, Farley, Finch, Fisher, Fitch, Frisbie, Haddon, Henley, Hunt of R., Johnson, Lee, McCoy, McGaughey, Miller, Milroy, Monroe, Moore of O., Morgan, Morrison, Nelson of M., O'Neill, Southard, Spann, Stewart, Sweetser, White, Wilson of M., and Mr. Speaker—40.

Those who voted in the negative were,

Messrs. Allison, Bell, Bennett, Berkshire, Burke, Butler, Carleton of F., Clark, Coats, Conaway, Cooper, Cox, Cutter, Dunn, Everts, Flint, Foster, Garrigus, Hamer, Hamblen, Herriman, Hull, Hunt of J., Jackson, Jamison, Jenckes, Jones, Judah, Lane, Lancaster, Lanius, Long, Montgomery, Moore of V., Nelson of B., Osborn of C., Osborn of F.,

Osborn of U., Parker, Perry, Purviance, Porter, Rippey, Robinson of J., Robinson of R. Robinson of Rush, Rush, Sands, Shields, Shively, Thompson, Wheeler, Woodard, Worster, and Zenor—54.

So the House refused to go into the election of a Sergeant-at-Arms.

A message from the Senate, by Mr. Test their Secretary:

MR. SPEAKER—

I am directed by the Senate, to inform the House of Representatives, that the Senate have adopted the following resolution:

Resolved, That the House of Representatives be informed that the Senate have convened, formed a quorum, elected Charles H. Test, Principle Secretary, Alexander F. Morrison Assistant Secretary, Willis A. Gorman Enrolling Secretary, and David Miller Door Keeper—and that they were now ready to proceed to Legislative business.

Mr. Judah offered the following resolution, to wit:

Resolved, That the door-keeper be directed to employ two assistants only, who shall receive one dollar per day each, for their services.

The ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Allison, Arnold, Atherton, Baker, Beckett, Bennett, Berkshire, Buckles, Burke, Butler, Campbell, Carleton of F. Carlton of L., Coats, Cogswell, Conaway, Cooper, Cox, Cutter, Eccles, Everts, Finch, Fitch, Flint, Foster, Frisbie, Hadden, Hamer, Hamblen, Hunt of R., Jackson, Jamison, Jenckes, Johnson, Jones, Judah, Lane, Lancaster, Lanius, Lee, Long, M'Gaughey, Miller, Milroy, Montgomery, Moore of V. Morgan, Nelson of B., Nelson of M., O'Neill, Osborn of C., Osborn of F., Osborn of U., Parker, Perry, Purviance, Porter, Rippey, Robinson of J., Robinson of Ripley, Robinson of Rush, Rush, Sands, Shields, Southard, Shiveley, Thompson, White, Wilson of H., Woodard, Worster, and Zenor—78.

Those who voted in the negative were:

Messrs. Bell, Bowles, Clark, Davis, Dunn, Edmonston, English, Farley, Fisher, Garrigus, Henley, Herriman, Hull, Hunt of J., M'Coy, Monroe, Morrison, Spann, Stewart, Sweetser, Wheeler, and Mr. Speaker—22.

So the resolution was adopted.

On motion of Mr. Cooper,

Resolved, That the clerk of this House, inform the Senate, that the House of Representatives have convened, formed a quorum, and elected James G. Read Speaker, Horatio J. Harris Principal Clerk, Nathaniel Bolton Assistant Clerk, Henry Secrest Enrolling Clerk, and

James H. Lucas Door-Keeper, and are now ready to proceed to Legislative business.

On motion of Mr. Morgan,

Resolved, That a committee of two, be appointed on the part of this House, to act with a similar one on the part of the Senate, to wait on the Rev. Mr. Beecher, and request him to attend in the Hall of the House of Representatives to-morrow morning at 10 o'clock, to open the present session of the General Assembly by prayer, and that the Senate be requested to reciprocate this resolution, and that seats be prepared for them on the right of the Speaker's chair.

Messrs. Morgan and Stewart were appointed the committee on the part of the House of Representatives.

A message from the Senate by Mr. Test, their Secretary.

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that the Senate has passed an engrossed joint resolution No 1, entitled:

“A joint resolution concerning the committees of the Senate.”

In which the concurrence of the House, is respectfully requested.

The said joint resolution was read three several times and passed, the rule being suspended.

On motion of Mr. Allison,

Resolved, That the rules and joint rules adopted at the last session of the General Assembly, by the House of Representatives, for their government, be adopted by this House during the present session.

On Motion the House adjourned until to-morrow morning at nine o'clock.

TUESDAY MORNING, DECEMBER 3, 1839.

The House met pursuant to adjournment.

A message from the Senate by Mr. Test their Secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives, that the Senate has adopted the following resolution, viz:

Resolved, That the joint rules which were in force for the government of the last General Assembly, be adopted by the Senate, as the rules of the joint action for the present session, and that the House of Representatives be informed of the adoption of said joint rules, and their concurrence requested therein.

The Senate have reciprocated the resolution of the House to wait on the Rev. Mr. Beecher, and request him to attend in the Hall of the House of Representatives this morning at 10 o'clock, to open the present session of the General Assembly by prayer, and have appointed Messrs. Thompson and Mount the committee on the part of the Senate to wait on the Rev. Mr. Beecher for that purpose.

Also, the Senate has passed the following resolution:

Resolved, That a committee of two, on the part of the Senate, be appointed to act with a similar committee, on the part of the House of Representatives, to wait on his excellency the Governor, and inform him that the two Houses have convened, elected their officers, and are ready to receive any communication he may be pleased to make to them, and to know at what time he will make such communication; and that the House of Representatives be informed of the adoption of said resolution, and a similar one on their part requested.

Messrs. Beard of M., and Cathcart are appointed the committee on the part of the Senate.

On motion of Mr. Long,

The second resolution in the message was reciprocated, on the part of the House.

Whereupon,

Messrs. Long and Farley were appointed the committee, on the part of the House of Representatives.

On motion of Mr. Zenor,

The first resolution in the message was concurred in.

Mr. Morgan from the select committee appointed to wait upon the Rev. Mr. Beecher, made the following report:

MR. SPEAKER—

The committee appointed, on the part of this House, to wait on the Rev. Mr. Beecher, in conjunction with a similar one on the part of the Senate, have performed that duty, and respectfully report that that gentleman will attend, this morning, at 10 o'clock, in compliance with the request of both Houses of the General Assembly.

On motion of Mr. Morgan,

Resolved, That the Senate be invited to attend in this Hall, instant, for the purpose of opening the present General Assembly by prayer, and that seats are provided for them on the right of the speaker's chair.

Whereupon,

The Senate came in, when the Rev. Mr. Beecher addressed the the Giver of all Good, imploring his protecting kindness, in the deliberations of the session by solemn prayer.

The Senate then returned to their chamber.

Mr. Morgan moved the following resolution:

Resolved, That this House will, on Wednesday the 4th instant, at ten o'clock, A. M., the Senate concurring therein, proceed to the

election of a Circuit Judge and Prosecutor for the eleventh Judicial Circuit.

Mr. Robinson of Ripley moved to amend, by providing for the election of Judges for the 5th, and 8th, Judicial Circuits; when

Mr. Fitch moved to lay the resolution and amendment on the table;

Which motion was decided in the affirmative.

On motion of Mr. Fitch,

The resolution and amendment, on the subject of the election of a Judge for the eleventh Judicial Circuit was taken up; when

Mr. Fitch moved to strike out the resolution from the resolving clause and insert the following:

"That the House will, on Thursday the 5th instant, at ten o'clock, A. M., the Senate concurring therein, proceed to the election of Circuit Judges and Prosecuting Attorneys, in the several Judicial Circuits in this State, to fill the vacancies that have occurred by resignation or otherwise."

Which amendment was adopted.

The resolution, as amended, was then adopted.

On motion of Mr. Cutter,

Resolved, That a committee of five be appointed to examine into and report upon the unfinished business of the last session of the Legislature, and if there be any thing therein that requires the immediate and particular attention of this House; with leave to report by bill or otherwise.

Messrs. Cutter, Allison, Foster, Sands, and Conaway were appointed said committed.

Mr. Eccles offered the following resolution:

Resolved, That the door-keeper of this House be instructed to contract with the Editors of the Indiana Democrat and Journal, for three of their respective papers each, as published, to be delivered at the desk in the Hall of the House of Representatives, for the use of each of the members and officers of this House, during the present session.

Mr. Morgan moved to strike out of the resolution the word "three" and insert "one."

Mr. Monroe moved to lay the resolution on the table.

And the ayes and noes being requested,

Those who voted in the affirmative were:

Messrs. Bennet, Campbell, Carleton of F., Coats, Cooper, Cox, Cutter, Finch, Haddon, Jamison, Jones, Judah, Lane, Lanius, Lee, Long, M'Gaughey, Miller, Monroe, Montgomery, Morgan, Morrison, Nelson of M. O'Neill, Osborn of C., Perry, Rippey, Robinson of J., Robinson R., Stewart, Thompson, and Wilson of W.—32.

Those who voted in the negative were:

Messrs. Albertson, Allison, Arnold, Atherton, Baker, Becket, Bell,

Berkshire, Bowles, Buckles, Burk, Butler, Carlton of L., Clark, Cogswell, Conaway, Davis, Dunn, Eccles, English, Everts, Fisher, Fitch, Flint, Foster, Frisbie, Garrigus, Hamer, Hamblen, Henly, Herriman, Hull, Hunt of J., Hunt of R., Jackson, Jenckes, Johnson, Lancaster, M'Coy, Milroy, Moore of O., Moore of V., Nelson of B., Osborn of F., Osborn of U., Parker, Purviance, Porter, Robinson of Rush, Rush, Sands, Shields, Shiveley, Southard, Spann, Sweetser, Wheeler, Wilson of M., Woodard, Worster, Zenor, and Mr. Speaker—62.

So the resolution was not laid on the table.

Mr. Hunt of J. moved that the resolution be indefinitely postponed.

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Arnold, Atherton, Bennet, Buckles, Campbell, Carleton of F. Clark, Coats, Conaway, Cooper, Cox, Farley, Finch, Garrigus, Haddon, Hamblen, Henly, Hunt of J., Jamison, Jones, Judah, Lane, Lanius, Lee, Long, M'Gaughey, Miller, Monroe, Montgomery, Morgan, Morrison, Nelson of M., O'Neill, Osborn of C., Osborn of F., Osborn of U., Perry, Rippey, Robinson of J., Robinson of R., Sands, Stewart, Thompson, Wilson of W., Woodard and Mr. Speaker—45.

Those who voted in the negative were:

Messrs. Albertson, Allison, Baker, Becket, Bell, Berkshire, Bowles, Burk, Butler, Carlton of L. Cogswell, Cutter, Dunn, Eccles, English, Everts, Fisher, Fitch, Flint, Foster, Frisbie, Hamer, Herriman, Hull, Hunt of R., Jackson, Jenckes, Johnson, Lancaster, M'Coy, Milroy, Moore of O., Moore of V., Nelson of B., Parker, Purviance, Porter, Robinson of Rush, Rush, Shields, Shiveley, Southard, Spann, Sweetser, Wheeler, Wilson of M., Worster, Zenor—49.

So the resolution was not indefinitely postponed.

Mr Cutter moved to amend the resolution, to strike out "three" and insert "four;" when

Mr. Sweetser called for a division of the question.

And the question being taken on that motion, the House refused to strike out.

Mr. Foster moved to amend the resolution, by adding thereto the following:—

"The House reserving the right to discontinue the papers at any time.

Which amendment was not adopted.

The question recurring on the adoption of the resolution,

And the ayes and noes being requested thereon.

Those who voted in the affirmative were:

Messrs. Albertson, Allison, Atherton, Baker, Becket, Bell, Berk-

shire, Bowles, Burk, Carlton of L., Clark, Cox, Cutter, Davis, Dunn, Eccles, English, Everts, Fisher, Fitch, Flint, Foster, Frisbie, Garrigus, Hamer, Hamblen, Herriman, Hull, Hunt of R. Jackson, Jenckes, Johnson, Lancaster, Milroy, Moore of O., Moore of V., Morrison, Nelson of B., Parker, Purviance, Porter, Rippey, Rush, Shiveley, Southard, Spann, Wheeler, Wilson of M., Zenor—49.

Those who voted in the negative were:

Messrs. Arnold, Bennet, Buckles, Butler, Campbell, Carleton of F., Coats, Cogswell, Conaway, Cooper, Farley, Finch, Haddon, Henly, Hunt of J. Jamison, Jones, Judah, Lane, Lanius, Lee, Long, McCoy, McGaughey, Miller, Montgomery, Morgan, Nelson of M., O'Neill, Osborn of C., Osborn of F., Osborn of U., Perry, Robinson of J., Robinson of Ripley, Robinson of Rush., Sands, Shields, Stewart, Sweetser, Thompson, Wilson of W., Woodard, Worster, and Mr. Speaker—45.

So the resolution was adopted.

On motion of Mr. Jones.

Resolved, That seats, within the bar be provided, for one reporter for each newspaper published in Indianapolis, during the present session.

Mr. Fitch offered for adoption the following resolution, to wit:

Resolved, That whereas operations having been suspended on all or nearly all of the public works within this State, the Board of Internal Improvement be instructed to report, as soon as practicable, what number of their own body can be dispensed with, if not all, and what number of Engineers, assistants, &c. with the salaries of each, and the aggregate amount thus annually saved to the State.

Mr. Long moved that the resolution be laid upon the table:

Which motion was decided in the affirmative.

Mr. Long from the select committee appointed to wait upon the Governor, made the following report:

MR. SPEAKER—

The joint committee, to whom was referred the resolution directing them to wait on his Excellency the Governor, and inform him that both Houses of the General Assembly have met, formed a quorum, elected their officers and are now ready to receive any communication that he may wish to make to them, have performed that duty and received for answer, that he would this day, at two o'clock, P. M. meet both branches of the General Assembly in the Hall of the House, for the purpose of communicating to them his annual message.

Mr. Hull moved the following resolution, which was adopted, to wit:

Resolved, That the Senate be invited to attend, instantler, in the Hall of the House of Representatives, to receive the message of his

Excellency the Governor, and that seats be provided for them on the right of the Speaker's chair.

The Senate then came into the Hall of the House and took their seats on the right of the Speaker's chair, the President of the Senate on the right of the Speaker.

His Excellency the Governor then came in, attended by the joint committee appointed for that purpose, and in presence of both Houses delivered the following message:

GENTLEMEN OF THE SENATE,

AND HOUSE OF REPRESENTATIVES:

We are greatly indebted to Divine Providence, for the multiplied blessings dispensed during the past year, to the people of Indiana.—Whilst other portions of the Union have been scourged and desolated by pestilence, our fellow citizens have been permitted the enjoyment of general good health; the seasons to them have been genial; the earth has been most bountiful, and yielded to the labors of the husbandman a superabundance of the chief comforts and necessities of life. I wish that fact and truth would justify me in making a similar acknowledgement to those who have for years controlled the political fortunes of this great nation; but a deranged and ruined currency; a universal prostration of credit and confidence, the deep and unmitigated pecuniary distress, which is now visiting, or threatening to visit, every class of our late prosperous community, most solemnly forbid it. How long this state of confusion is to last, is a question which the people only can answer; for in their hands are exclusively vested the constitutional right and power to apply and enforce the necessary correctives.

The balance in the treasury, on the 31st of October last, amounted to 28,702 dollars. From this sum, however, the fourth quarterly dues have to be deducted, which may likely reduce it to twelve thousand dollars. Of the revenue collected in 1838, \$30,000 had not been appropriated. The legislature, by special act, directed the treasurer to loan it out for one year, on sufficient security, at a rate of interest not less than ten per cent. This duty the treasurer performed, and the loans will fall due chiefly in the month of February next. These two sums, amounting to forty-two thousand dollars, together with the poll tax, which may probably produce forty-five thousand dollars more—in all eighty seven thousand dollars—constitute the only means provided for defraying the expenses of the State government in 1840. A fact, the knowledge of which, must impose upon you the observance of a severe system of economy, as the disbursements, on behalf of the State, for the two preceding years, have considerably exceeded that sum. In one respect you possess a decided advantage over your predecessors: you will have no provision to make to meet the heavy expenditures consequent upon a revision and distribution of the laws.

The expenses of the last legislature, including the pay and mileage of members, amount to forty-two thousand five hundred and sixty-three dollars and twelve cents; the public printing to seventeen thousand

seven hundred and eighty-eight dollars and ninety-three cents; and the specific appropriations to seven thousand and eighty-five dollars. In relation to the public printing account, it may be well enough to remark, that about three thousand dollars of it, were for news papers published at the seat of government, and distributed by the members of the legislature to their constituents.

The assessments of taxable property, the present year, are quite favorable; they exhibit most gratifying results; and prove, beyond a question, that both the population and wealth of the State have been steadily on the increase. The taxable polls of 1839 amount to ninety-five thousand two hundred and ninety-one; exceeding those of 1838, six thousand seven hundred and fifty-six. But this is evidently much below the true estimate, as the aggregate vote cast at the late congressional election very clearly demonstrates,—that vote being one hundred thousand and five hundred. Indeed, I have little or no doubt, but that a close and careful assessment would have returned not less than one hundred and fifty thousand polls. In 1838, the total valuation of all the taxable property of the State amounted to 97,958,994 dollars; this year, that amount has been swelled to 107,337,715 dollars—showing the year's increase to be 10,278,621 dollars.

The principal subjects of taxation, it will be recollected, consist of lands and their improvements, town lots, corporation stock, and personal property. Of these, the lands, the present year, embracing 7,475,329 acres, have been valued at 65,984,879 dollars; the town lots at 11,676,372 dollars; corporation stock at 869,630 dollars; and personal property at 23,687,534 dollars. Now in the assessment of two of the foregoing items, to wit, the lands and corporation stock, we know that there has been displayed the grossest negligence. We know, for instance, by referring to the reports of the commissioner of the general land office, that 8,922,122 acres of land are subject to taxation this year, and, of right, ought so to have appeared on the assessment rolls; yet we find there only 7,475,320 acres, leaving 1,346,802 acres untaxed. We know, too, that the private stock in the State Bank of Indiana, alone, amounts to 1,334,050 dollars, between four and five hundred thousand dollars more than the whole amount of corporation stock returned. Besides, there are the stocks of the saving institutions, the loan offices, and insurance companies located in many parts of the state, apparently lost sight of or omitted altogether.

The loss which the treasury sustains in consequence of such imperfect assessments, is truly astonishing. If, for example, we add to the aforesaid 1,346,802 acres, the 229,351 acres returned as per auditor's report, as delinquent lands, to the school commissioners, we then discover that 1,576,153 acres escape taxation this year; these, at eight dollars and seventy-two cents per acre, the average value of other lands, amount to 13,715,005 dollars; add to this again, the 464,420 dollars, the neglected portions of the private stocks in the State Bank and other institutions, and we have 14,209,425 dollars of taxable

property unassessed entirely; which, according to the established rate, would have produced a revenue of 42,628 dollars. Surely such things ought not to be. This principle of taxing one man's property, and exempting that of his neighbor is exceedingly unjust, and cannot long be tolerated or submitted to by the people.

The state debt, created by the sale of State bonds, at various times, for bank and Internal Improvements, amounts to 10,064,000 dollars: 1,727,000 for the Wabash and Erie canal; two hundred and twenty-one thousand dollars for the Lawrenceburgh and Indianapolis Rail Road Company; two hundred and ninety-four thousand dollars for the creation of bank stock in anticipation of the fourth instalment of the surplus revenue; 5,932,000 dollars for the system of Internal Improvements; and 1,890,000 dollars for the purpose of establishing the State Bank. From this exhibit you will perceive that 7,870,000 dollars have been borrowed for Internal Improvement purposes, and only 5,932,000 for the system proper. I make this distinction because the Wabash and Erie Canal, from the Ohio State line to Terre Haute, is provided with means, independent of taxation, to assist in its construction; and the two hundred and twenty-one thousand dollars, advanced to the Lawrenceburgh and Indianapolis rail road, are secured by mortgages on land.

From the report of the Fund Commissioners, already before you, you have no doubt ascertained that out of the 5,932,000 dollars of State Bonds sold, for the benefit of the system proper, only 5,456,624 dollars and thirty-nine cents have been received; leaving 1,486,375 dollars still due; that out of the 1,727,000 dollars sold for the benefit of the Wabash and Erie canal, only 1,553,507 dollars and twenty cents have been received, leaving one hundred and seventy-three thousand four hundred and ninety-two dollars and eighty cents still due. In short, that on the entire sales of 7,659,000 dollars worth of bonds, 1,659,868 dollars and nineteen cents remain to be paid by the purchasers. But although the state is bound to pay the interest on the whole amount of Bonds sold, still, by agreement between the parties, the interest on the 1,659,868 dollars is to be paid by the purchasers, as it becomes due; so that, in reality, the State, this year is required to meet the interest on only about six millions of dollars of the internal improvement debt.

Now of the bonds sold, three hundred and ninety-four thousand dollars draw six, and seven million eight hundred and thirty thousand dollars, five per cent. interest, payable semi-annually, on the first of January and July. The January payment, therefore, will amount to two hundred and seven thousand six hundred and twenty dollars, and by adding five thousand dollars as the probable exchange on London, it will be two hundred and twelve thousand six hundred and twenty dollars. To meet this demand, the State is provided with the following means, to wit:

Thirty cents on every one hundred dollars of taxable property in the State—which we have seen amounts to 107,337,715 dollars—deducting nine per cent. for

collections	-	-	-	-	-	-	-	-	-	\$294,000
Interest on canal lands	-	-	-	-	-	-	-	-	-	22,000
The excess of interest over six per cent. realized on the 294,000 dollars of bank stock created in anticipation of the fourth instalment of the surplus revenue	-	-	-	-	-	-	-	-	-	8,820
Interest on the third instalment of the surplus revenue	-	-	-	-	-	-	-	-	-	25,180
Canal and rail road tolls	-	-	-	-	-	-	-	-	-	13,338
From the Lawrenceburgh and Indianapolis Rail Road Company	-	-	-	-	-	-	-	-	-	11,050
Interest due from New York Banks, as per Fund Commissioner's report	-	-	-	-	-	-	-	-	-	46,000
Total,	-	-	-	-	-	-	-	-	-	420,388
Deduct the January payment	-	-	-	-	-	-	-	-	-	212,620

And there is left - - - - - \$207,768
to apply to the July payment.

The amount of this balance, however, will greatly depend on the success attending the collections of the revenue. Should there be many delinquencies, it may possibly fall short a few thousand dollars; but not enough, I hope, to prevent the State from fulfilling her engagements without difficulty.

By the revenue act of the last Legislature, the levy of thirty cents on the hundred dollars, for the payment of the State debt, is confined to the year 1839. It will, therefore, become necessary for you, at the present session, to provide the requisite means to accomplish the same object for 1840.

From the sales of the public lands, as reported by the commissioner of the General Land Office, we ascertain, that the 8,922,122 acres of land now subject to taxation, will be augmented annually by the following additions: in 1840, by 1,586,904 acres; in 1841, by 3,249,210 acres; in 1842, by 1,249,818 acres; and in 1843, by 320,641 acres—proving most conclusively, that in 1843, we shall have 15,328,694 acres of taxable land. In times, therefore, like the present, when gloom and despondency seem to pervade every bosom; when the credit of sovereign states even, can no longer command money from abroad; and when bankruptcy and ruin, with their attending trains of evil, apparently hang suspended over the great mass of the people, no citizen of Indiana, I presume devoted to her interest, or who feels himself identified with her prosperity and glory, can avoid receiving the foregoing facts as evidence sufficient to justify him in confidently anticipating a safe deliverance from present and future enthrallments. Administrations may change, parties may alternately triumph, and destructive experiments be repeated, but the soil and its fertility will remain unaffected by either; it constitutes an element of wealth which man, even in his folly, cannot destroy, and which, when all others are swept away from him, continues in the performance of its functions to cheer and support him through every emergency. It is, therefore, matter of heartfelt gratification to see how largely the

people of Indiana are possessed of this element; for, combined with the untiring energy and industry which distinguish their character, we feel that we hazard nothing in predicting, that the wealth and resources of the State must continue to expand in despite of the most adverse circumstances.

The failure to procure funds, as we had a right to expect from the extensive sale of State bonds, effected in the early part of the season, has led to great and unusual embarrassments, not only among the contractors and laborers, but also amongst the people. The State has in consequence, fallen largely in debt to the former, and is without the means, in possession, of discharging it. The banks, too, have advanced most liberally, and have not yet been reimbursed. In a dilemma, therefore, so unexpected, questions of great interest naturally present themselves. How can the State extricate herself from present difficulties? What course will she take to liquidate the outstanding obligations against her? So far as the banks are concerned, a few months delay, might, perhaps, be tolerated; but not so with the contractors and laborers; their necessities require immediate payment; and the State, by all means, should exert herself to accomplish it. The amount advanced by the bank, is 641,200 dollars and 17 cents, and the amount due to contractors, 706,559 dollars. To discharge both these debts, the State has owing to her from the New York banks, as before stated, 1,659,868 dollars. If the contractors, therefore, could only wait a reasonable length of time, without absolutely ruining themselves and their creditors, I am confident that a sufficiency must be realized, from the New York debt, to pay all their claims. But this I fear cannot be. A remedy, consequently, has been suggested, by the issue of State scrip, to cover their demands, redeemable by the fund commissioners, so soon as enough is received from the bonds already sold. Greatly as I am opposed to such a measure, yet sooner than see the character of the State jeopardized, and so respectable and deserving a portion of my fellow citizens ruined, I would most cheerfully sanction it. But then let it be a last resort—when every other rational expedient has failed.

But questions equally as grave and important are yet behind. What shall be done with the public works? Shall they be abandoned altogether? I hope not. In my opinion, the policy of the State, in the present emergency, should be, first, to provide against the dilapidation of those portions of the works left in an unfinished state; and, secondly, as means can be procured, to finish some entirely, and complete others, at least, to points where they may be rendered available or useful to the country. By the observance of this policy, it is evident, that the millions already expended would be saved; some of the works completed; and the rest placed in a condition to be taken up and prosecuted at any time hereafter, as the people may direct.

By the internal improvement bill of 1836, ten millions of dollars were appropriated to carry on the several works embraced in the system. With an eye to this fact, and, on the supposition that the expenditures shall not exceed the appropriation, I procured from the

chief engineer, the following table, showing how much of the works respectively may be completed, the value of work done, and the amount still necessary to be done, to advance them to certain points. It may, however, be proper to remark, that all the calculations in the table, have been based on the ground that the whole of the present expenditures are to be saved:

Names of the Works.	Length in miles.	Total cost—dol- lars.	Estimat- ed value of work done.	Work to be done.
White Water canal, from Ohio river to National road	69.40	1,557,720	966,856	590,865
Central canal from Fort Royal to junction with the Killbuck summit 10 miles north of An- dersontown	78.22	1,294,754	706,874	587,880
Central canal from Evansville to first feeder from White riv- er, in Greene county	93.20	1,922,930	466,382	1,456,548
Erie and Mich. canal from Ft. Wayne, to the middle fork re- servoir, near N. line of Noble co.	50.	100,000	65,476	934,524
Cross-cut canal from Eel river dam to Terre Haute, to make the water power available with- out lock	25.50	427,917	336,825	91,092
Madison and Indianapolis rail road complete	85.86	2,150,000	1,095,888	1,054,112
Road from New Albany to Mt. Pleasant, M'Adamized to Paoli, and only graded and bridged thence to Mt. Pleasant	68.37	662,295	573,106	89,189
Road from Jeffersonville to Sa- lem, via New Albany, grading and bridging only	37.64	320,891	251,563	69,328
Road from Lafayette to Craw- fordsville, grading and bridging.	26.87	87,737	56,144	31,593
Road from Crawfordsville to Greencastle, grad. and bridging	27.85	119,665	55,944	63,721
Improvement of Wabash Ra- pids, made jointly by Illinois and Indiana, whole cost, 185, 000—one half of which is . . .		92,500	10,000	82,500
	562.91	9,636,410	4,585,058	5,051,352
Wabash canal from Tippecanoe to Lafayette	14.36	297,118	266,541	30,577
Wabash canal from Lafayette to Covington	40.	500,000	34,210	465,790
	617.27	10,433,528	4,885,809	5,547,719
Wabash and Erie canal from Ohio state line to Tippecanoe.	129.74	4,847,010	1,708,979	138,031
	747.01	12,280,538	6,594,078	5,685,750

From this table we learn, first, that only \$4,885,809 of the ten million appropriation, have, as yet, been expended, leaving upwards of five millions still to be applied; and, secondly, that by expending about ten and a half millions of dollars, the White Water canal, the Madison and Indianapolis Rail Road, the Wabash and Erie canal to Covington, the Southern end of the Central canal to White River, the Northern end of the same canal beyond Andersonstown, and the Michigan and Erie canal from Fort Wayne to the Summit level, may all be completed; besides placing the other works in a condition to be prosecuted, from time to time, as the means of the State and the wishes of the people may authorize. If we separate the Wabash and Erie canal from the mouth of Tippecanoe to Terre Haute from the system proper, as being an independent work, provided for by the donation of land from Congress, the ten and a half millions may then be made to complete, in addition to the works named, nearly the whole of the Northern end of the Central canal, from Martinsville to the Wabash river.

It is not for me to dictate to you the course you are to pursue in the present emergency. You come fresh from the people, doubtlessly prepared to represent their views and feelings, and to give shape and vitality to the future policy of the State. To do this you have the power; and, in consequence of the suspension of operations upon all the public works, duty will imperiously compel you to act. To the result, therefore, of your deliberations, I shall look with no ordinary interest; for I stand pledged to the people, to be governed in my action by their will and pleasure, as they may see fit to express it, through a majority of both branches of the Legislature. Hence, in all things involving no constitutional objections, you may expect my ready concurrence, save one: I can consent to no measure that would either destroy the credit, or impeach the integrity and honor of the State.

For a full and satisfactory exposition of the operations of the Board of Internal Improvement, under the modification law of last winter, I beg leave to refer you to their and the Engineer's reports.

It appears that the expenses of the Board, and Engineer department, are less this year by 15,000 dollars, than they were last, a result attributable, of right, to the same law.

The tolls collected on the Madison and Indianapolis Rail Road, for the six months it has been in operation, amount to eight thousand four hundred and seventy dollars; on the White Water canal, six hundred and twenty dollars; and on the Wabash and Erie canal, four thousand two hundred and forty-eight dollars. With regard to the latter work, it is greatly to be regretted, that Ohio has been so tardy in pushing forward that portion of it, lying within her territory. The yearly loss to Indiana in consequence, is very considerable. We shall have, by expending some one hundred and sixty-eight thousand dollars more, one hundred and forty-four miles of this work completed, every foot of which, however, must remain in a manner idle—almost valueless, until we shall be enabled to communicate with Lake Erie. A knowledge of these facts, it seems to me, would tend much to stimulate

Ohio to greater exertions in our behalf; and, more especially, when by doing so, she would, at once, render the whole of Central Indiana tributary to her.

By a special act of the last Legislature, the Governor was authorized to appoint one or more agents to assist him in making further selections of land claimed by the State for the continuation of the Wabash and Erie canal, from the mouth of Tippecanoe river to Terre Haute. In the exercise of this authority, I appointed John Vawter of Jennings, Johnson Watts of Dearborn, William Elliott of Wayne, and A. W. Morris of Marion as such agents. These gentlemen in the early part of the season, proceeded to discharge the duties assigned them and selected lands to the amount of two hundred and twenty thousand nine hundred and eighty nine acres, lying in the counties of Porter, Lake, Jasper, Noble, Kosciusko, Fulton, Marshall, Miami, and in the great Miami Reservation. The tract books and selections will in due time be laid before you giving a detailed description of the lands, the quality and rate, the valuation of each tract, and the names of the settlers.—I have, also, as required by the act of Congress, reported the same to the Secretary of the Treasury of the United States.

The selection which I made last year of seventy three thousand seven hundred and ten acres, had the effect of bringing the authorities of the General Government to the necessity of adopting some definite course of action in relation to them. The Attorney General, and the Commissioner of the general Land office, decided in favor of the State's claim; the solicitor of the Treasury against it. This conflict of opinion, amongst his legal advisers, I presume, induced the President of the United States to refer the question over to Congress. But this step was taken at so late a period of the session as to preclude the hope of obtaining a decision from that body before the adjournment; the whole subject, therefore will, as a matter of course, come up before the present Congress among the unfinished business of the last.

To say that we have, or feel, no interest in the result of this decision would very properly subject us to the charge of great want of candor. The condition of the State is such that property so immensely valuable cannot well be treated with indifference; because it would tend greatly to diminish the burthens of the people, and to further those laudable designs of improvement so necessary to a complete developement of all our resources. And when it is considered that the policy of the State alone, in the prosecution of so many works, has, more than any thing else, contributed to enhance the value of the public domain, and to induce the sale of millions of acres that otherwise would have remained among the refuse lands of the Government for a quarter of a century hence, a ratification of this claim by Congress cannot, I think, be viewed in any other light than an act of sheer justice to Indiana.

In the event that the lands, thus selected, should be confirmed to the State by Congress, in time for your action, I have then to renew in behalf of the worthy and enterprising settlers upon them the

recommendation, that they have the exclusive privilege of purchasing them at the minimum price to be fixed by the Legislature; or, on failure of that, that some just provision be made to compensate them for their improvements.

Since 1834 and up to the first of September 1838, the people have purchased in Indiana, 6,961,573 acres of land: for which they have paid into the coffers of the General Government not less than 8,701,966 dollars—an enormous sum certainly—one scarcely to be credited—and but for the authenticated reports of the commissioner of the General Land Office, might well be questioned. During the same period, there have been brought into the State and expended for internal improvement purposes, a little rising five million of dollars—three million less than the amount paid out for land. My object in stating these facts is, simply, to show the people where their money has gone to; and why it is that we hear from every quarter of the State the cry of its exceeding great scarcity. The truth is, Indiana has been contributing to the support of the General Government, for the last four years, at the ruinous rate of two millions of dollars a year; and what returns has she had for it, and for the millions paid before? A refusal to make an appropriation on the Cumberland Road; a veto of the Wabash appropriation bill; a veto of the land bill, which according to the estimate furnished to Congress, by Mr. Whitcomb the commissioner of the General land office, in January last, would have yielded to the state up to the 30th of September, 1838, 2,646,744 dollars, enough to have enabled her to prosecute our public works, without harrassing the people, or bending them down under weight of the oppressive taxation. And now that circumstances have changed; that the wants and necessities of the people are such as to call loudly for relief; and with a view to obtain it for them, and to diminish their taxes in future, I respectfully recommend that our Senators be instructed and our Representatives requested, to use every honorable exertion to procure from Congress, the passage of a bill distributing the proceeds of the sales of the public lands among the several states, according to the principles of the bill which recently passed both Houses of Congress on that subject.

I have before intimated that the financial concerns of the country are, at this time, in a condition to excite universal anxiety and alarm. A sudden blight has come over our prospects; the active and enterprising are discouraged; and the abundant products of the soil seem to have been gathered in vain. Our true policy, without doubt is to aim at remedies for these disastrous results rather than to enquire curiously for their causes; yet, we may briefly hint at some of those which have contributed to our difficulties. The gold bill for a time occasioned an unnatural importation of specie, not in the usual way of trade, and its reflux seems to be leaving us bare. Local Banks have been too much encouraged at one time and oppressed at another. As the tariff on foreign merchandise has decreased, importations have been made to the injury of home manufactures, and more than the country can well pay. There have been perhaps, less industry

and economy amongst us than there should have been, and more speculation in lands and lots than policy would justify. Each one for himself must now see where he has been in error, and few, it is hoped, are so situated that they cannot do much to extricate themselves. But something also is looked for on the part of public functionaries. By an encouraging tone, by maintaining what is right and correcting what is wrong, by forgetting petty and personal contests and aiming to maintain at all hazards the credit and interests of the State, proper feelings and spirit will be kept up amongst our citizens.

The medium of circulation now used in most if not all the civilized countries with which we have intercourse is composed of specie and paper, and, in reference to this, property has been valued, agreements made, and debts contracted; we cannot therefore, deal with other states and countries on equal terms, unless we have a medium of circulation much like theirs in value. Fluctuations in these matters are perhaps not to be avoided. Yet legislation should aim at as much uniformity as possible, or, debts contracted in one medium may be collected in another of far more value.

It would seem, then, to be our duty and interest to sustain by all fair means our institutions. If, however, abuses are alleged to exist, let them be examined and corrected. If any of those who manage them have lost the confidence of the people, let their places be supplied by others; and if any injurious apprehensions prevail, let them be explained. If when these are done, the community, generally, can be satisfied, our capital connected with credit may perform its functions as heretofore. But if no confidence can be felt that banks will be safely and prudently managed; if they must be so restricted, as to lose the power of being useful; if a predominant party is seriously bent on destroying them; it is better to give them up at once, than contend for preserving them after they have lost their value. But before this be effected, it may be well enough to inquire whether the ruin of the present generation of business men and the depreciation of all property and labor to a sixth of their present prices, will not prepare community for wilder extravagancies than have as yet been attempted.

The state has thus far failed to realize the advantages, which were expected to be derived, from the addition to the bank stock authorized at the last session. A contract was made, however, in April last, with the Morris canal and Banking company, for the sale of a million of dollars, in State bonds, to be paid for in ten monthly instalments, commencing the first of September last, which, when paid, were to be applied to the increase of the State stock in the bank. But that company gave notice, in August, that owing to there being no demand for State bonds, at any thing like fair prices, the instalments could not be paid; and, under the circumstances, an arrangement was made to return one half of the bonds, and indemnify the State, and secure the payment of the other half in ten annual instalments. For particulars, I refer you to the report of the President of the State bank who conducted the negotiations.

The condition of the State bank appears to be healthy. On the

31st of October last, her assets amounted to six millions two hundred and forty thousand three hundred and twenty eight dollars and 25 cents, and her liabilities, to 3,493,042 dollars and 60 cents; showing an excess of ultimate assets, over and above all ultimate liabilities, except to the State and the other stockholders of 2,747,285 and 65 cents; at the same date she had in her vaults, 1,021,490 dollars and 18 cents in specie, and 3,124,497 dollars in circulation.

The measure of total suspension, recently adopted by the banks of Pennsylvania, Maryland and other states, I am happy to say, has not been followed by the State bank of Indiana. The board of directors, at their late meeting, refused to authorize it; but, very properly, left the question open to be hereafter determined according to the emergency of the moment, by the people themselves in the several bank districts.

Complaints, and I fear with but too much justice, are constantly being made, by the people living in counties adjoining those in which the several branches of the bank are located. They seem to think that an equal participation in the benefits of these institutions is denied them, from the fact, that by far the greater portion of their funds are loaned to individuals residing immediately in their vicinity. This species of favoritism, if it does exist, ought by all means to be avoided in future, or some decisive measure should be taken to prevent a repetition. The bank is as well a State as a private concern; one, in which the people are stockholders to an amount, nearly equal to that held by individuals. The advantages, therefore, if there are any, should be distributed among them as equally as the nature of the surrounding circumstances will permit.

At the request of Doctor Wylie, President of the University at Bloomington, against whom, it will be remembered, charges of mal conduct, in the administration of the affairs of that institution had been preferred, and widely circulated through the medium of newspapers and other channels, a meeting of the board of trustees was called, which I attended, in the month of April last. At this meeting the board entered into quite a labored and patient examination of all the charges, which resulted in the entire acquittal of the accused by the unanimous vote of the members present. Indeed the testimony so far from implicating President Wylie in the smallest degree triumphantly vindicated his conduct throughout, and placed him in point of firmness and integrity as an officer, on higher ground, than the malice or envy of foes had before permitted him to occupy. I regret to say, however, that a majority of the board, after mature consideration, deemed it essential to the peace, harmony, and prosperity of the University, to vacate three of the Professorships; two of these are still vacant—one having been filled, as I have since been informed, at the September session of the board of trustees.

The subject of education is one of paramount interest, and merits the first and last consideration of an American legislator. Heretofore, preparatory steps only, have been taken to bring about the establishment of the common school system in Indiana. The newness of the country, the sparseness of the population, and the demand for all

the time and labor of the settler to prepare him a comfortable home, have, thus far, forbid any successful attempt toward accomplishing this desirable object. But the period has at length arrived when this field may be advantageously occupied; when the wants and circumstances of a vast majority of the people, are such as to justify, and even require immediate action. If we take the census of 1830 as a criterion, we have within the limits of the state about 272,000 minors over the age of five, and under the ages of eighteen and twenty-one years. This number, we know, is constantly and rapidly increasing, by means of immigration, and with it, as a matter of course, the necessity of devising some speedy and efficient plan to ensure instruction to them all.

To effect this object, the creation of a board of public instruction would probably be the most successful,—a board whose duty it should be to superintend the establishment of schools in every county; to see that the funds are carefully husbanded and equitably distributed; to provide competent teachers; and by public addresses, or otherwise, to wake up and encourage the people to lend a helping and sustaining hand in forwarding so noble an undertaking.

That we have abundant means already provided, with which to operate successfully and profitably on this plan, cannot, I think, be rationally denied. According to the very able and interesting report of Judge Kinney, prepared with great care and labor, as chairman of the committee on education, of the last house of representatives, we will have by 1850, in the saline fund, the tax on bank stock, the surplus revenue, the reserved sixteenth sections of land, the sinking fund or bank stock, the unsold saline lands, the lands returned as delinquent to the school commissioners, a capital rising four millions of dollars—two millions of which are now within the absolute control, and may be applied at any moment, by the legislature. The latter sum, therefore, judiciously invested, may be made productive of a revenue of at least one hundred and fifty thousand dollars per annum; enough certainly to answer present purposes, and to ensure a safe and prosperous beginning.

One of the great difficulties we have at present to encounter, is the scarcity of competent and qualified school teachers. To remedy which, a scheme something like this has been suggested; namely, to authorize a separate department in the State University, under the control of its president, devoted exclusively to preparing and qualifying young men for the duties of professional teachers. To the attainment of this object, the proceeds of the saline fund, amounting to some two thousand dollars per annum, might be profitably applied. This would enable the state to provide that the necessary books and tuition should be furnished free of expense, and that each county should be entitled to send one or more of their most deserving and promising young men. Imperfect as is this skeleton of the plan proposed, still, I flatter myself, that it will be sufficient to direct your attention to the subject, and to call from your more matured and deliberate consideration a better.

On the subject of the state prison, I feel it my duty to remark, that a change, or improvement of some kind, in its present system of police, or government, is required to make it what it ought to be—in fact what it claims to be—a place both of punishment and reformation. If I mistake not, no steps have as yet been taken to provide the convicts even with the means of religious instruction—an omission, certainly, most fatal to the prospect of ever producing in them that radical and permanent reform, necessary to accomplish one of the chief designs of the institution. I would, therefore, respectfully recommend the appointment of a chaplain to the prison, who should receive a reasonable salary for his services. For particulars in regard to the manner in which the convicts are treated, as well as to the general police of the prison, I refer you to the accompanying reports of C. F. Clarkson, Esq., herewith submitted, the visitor appointed by the executive agreeably to law.

Since the adjournment of the legislature, I have received from the secretary of the treasury of the United States, the set of standard weights, authorised by congress, and designed for the use of Indiana. To ensure to every county the benefit of these, some legislation will be required at your hands. What this shall be, your own good sense and intelligence will readily enough suggest.

In consequence of receiving the appointment of United States geologist, David Dale Owen, Esq., who, for the last two years has been acting in that capacity for the state, declined the acceptance of a re-appointment when tendered to him. These circumstances occurred so late in the season as to prevent, in my opinion, the selection of an individual equally prepared and competent, in time to enter upon the discharge of the duties required of him, with any hope of adequate profit or advantage to the community at large. The law too, creating the office, will shortly expire, which will devolve upon you the duty of either continuing or abolishing it altogether.

Every year furnishes fresh developments of the mineral resources of the state; and the enterprise of our citizens is rapidly drawing from them the means of increasing their wealth and capital. Within the last year, in addition to the Mishawaka establishments, works have been erected at Rochester in Fulton county, where bar iron of the first quality has been successfully manufactured; and ore abstracted from mines apparently inexhaustible, and certainly of the richest kind. We may, therefore, look to St. Joseph and Fulton counties as being able, by proper encouragement, in a short time, to supply a good portion of Indiana with the indispensable articles of iron and castings.

The period for again taking the census of the state, with a view to another apportionment of senators and representatives, having arrived, your attention to the subject is respectfully solicited.

I take pleasure in laying before you, according to request, joint resolutions of the legislatures of Maine, New Jersey, North Carolina, and Missouri, on the subject of the public domain; also joint resolutions of the state of Ohio, on the Maine boundary question; and also,

a communication from his excellency the governor of New York, transmitting a law of that state, entitled "an act to authorize the arrest and detention of fugitives from justice from other states and territories of the United States," which I recommend to your special consideration. In addition to the foregoing, I submit to you the resolutions of the legislature of Kentucky, responsive to those passed by the legislature of Indiana, at the last session, on the subject of slavery.

The defeat of the Cumberland road bill in Congress, at the last session, caused great dissatisfaction among the people both of Indiana and Illinois. For the purpose of expressing their chagrin and disappointment at this result, and of adopting measures in relation to the further prosecution of the road, a convention of delegates from these states and Ohio, assembled at Terre Haute on the eighth and ninth of July. A copy of the proceedings of this body has been furnished me by the president, and I most cheerfully comply with the request contained in one of the resolutions, and submit the same to the consideration of the legislature.

The improvement of the navigation, and particularly the removal of the obstructions at the falls of the Wabash river, continues deservedly to enlist the feelings and interests of the people of that rich and fertile valley. The tardiness with which operations have been carried on there, receives their marked disapprobation, and gave rise to a very spirited convention at Vincennes, in which all the counties interested were generally represented. I regret that it is not in my power, officially, to lay before you the result of their deliberations, as a copy of their proceedings has not yet been furnished me. I hope, however, to have that pleasure before your adjournment.

The importance of the harbor of Michigan City, and the extent of the commerce of northern Indiana cannot, perhaps, be better exemplified, than by giving you a statement of the business transacted at that point, during the past year. There have been, it seems, four hundred and seventy-three arrivals and departures of vessels of various descriptions, there have been shipped 272,400 bushels of grain, and 10,368 barrels of flour, besides large amounts of pork, and other articles, of which no exact account has been kept. During the same period, there have been unshipped at the same place 1,850 tons of merchandize, valued at 750,000 dollars, and 9,000 barrels of salt. In addition to all this, the necessity of improving the harbor as speedily as possible, is strongly demonstrated from the fact that within the three weeks, next preceding the 23d of November, ten vessels have been stranded in its vicinity, and the cargoes of some of them, consisting of wheat and flour, entirely lost to the owners. On this account, perhaps, it would be well enough to urge the attention of Congress to the subject, and to request a sufficient appropriation to render the harbor at once a safe and fit receptacle for the shipping of the lake.

Before closing this communication, I hope I shall be pardoned for

again alluding to the pecuniary distresses of our fellow citizens. A remedy of some kind is called for—is absolutely necessary—if not to relieve, at least to protect their property from the most appalling sacrifices. The suspension of the public works, and the large arrearages due to contractors and the banks, which the State has thus far failed to discharge, will, unless some scheme of safety be devised, be the ruin of thousands. The people have been looking to these funds and the banks, as they had a right to, to furnish them with the requisite means of paying their debts and taxes. A doubt of the State's ability to meet her engagements punctually never, I suppose, entered their imaginations; or, perhaps, they would have displayed more caution in the extension of their obligations. But great as has been their disappointment, and desperate as appears their condition, yet in no instance—to their credit be it told—have we seen the slightest disposition manifested to have their property sheltered under the wing of stay or replevin laws. All they ask is, that it may, in the payment of their debts, bring, if not the full, at least a reasonable proportion of its value. And surely a fairer request could not well be made by one man of another. If loss is to be sustained, the debtor proposes to bear it; if profit accrues, he yields it to the creditor; and in no event does he ask the creditor to be the loser.

I hope, therefore, that all safe, correct, and constitutional expedients may be resorted to by you, to shield our fellow citizens from the dangers and losses which now appear to threaten them. Were their creditors disposed to be lenient, and give time, all would ultimately be safe. For time to them now is of incalculable value: they want time to economize; time to accommodate themselves to this sudden and unlooked for change of circumstances; time to settle and arrange their business; and time to convert their surplus produce into money. If they can be favored in this respect, I have no doubt of their ability, in one or two years, to disenthral themselves completely from the chief of their present embarrassments.

DAVID WALLACE.

Indianapolis, December 3, 1839.

The Senate then returned to their chamber.

Mr. Allison offered for adoption the following resolution:

Resolved, That the public printer be directed to print three thousand copies of the Governor's message, for the use of the members of this House.

Mr. Everts moved to strike out "three" and insert ten thousand—the number of copies to be printed; when

Mr. Miller called for a division of the question, and the motion being put, the House refused to strike out.

Mr. Berkshire then moved to reconsider the vote on striking out; Which motion was decided in the negative.

The resolution was then adopted by the House.

On motion the House adjourned until to-morrow morning at nine o'clock.

WEDNESDAY MORNING, DECEMBER 4, 1839.

The House met pursuant to adjournment.

The Speaker announced to the House the appointment of the standing committees, to wit:

JOINT COMMITTEES.

On Public Buildings—Messrs. Miller, Berkshire, and Cogswell.

On the Canal Fund—Messrs. Albertson, Henly, and Shiveley.

On the State Library—Messrs. Haddon, Butler, and Fisher.

COMMITTEES OF THE HOUSE.

On Elections—Messrs. Robinson of Ripley, Arnold, Baker, Clark, Cox, Rippey, and Lee.

On Ways and Means—Messrs. Long, Bell, English, Woodard, Cooper, Allison, and Jenckes.

On the Judiciary—Messrs. Judah, Parker, Robinson of Jefferson, Eccles, Cutter, Finch, and Jamison.

On Education—Messrs. Fitch, Morrison, Perry, Lancaster, McCoy, Montgomery, and Rush.

On Military Affairs—Messrs. Spann, Shields, Becket, Flint, Nelson of M., Coats, and Zenor.

On State Prison—Messrs. Monroe, Sands, Hamblen, Davis, Dunn, Jackson, and O'Neill.

On Affairs of the town of Indianapolis—Messrs. Johnson, Burk, Campbell, Worster, Lanius, Porter, and Osborn of U.

On Claims—Messrs. Bennet, Farley, Foster, Frisbie, Hunt of R. Wilson of W., and Zenor.

On Roads—Messrs. Morgan, Herriman, Garrigus, Perviance, Buckles, Carlton of L., and Osborn of C.

On Canals and Internal Improvements—Messrs. Lane, Hull, Carleton of F., Everts, Milroy, Southard, and Hunt of Jefferson.

On the State Bank—Messrs. Bowles, Fisher, White, Robinson of Rush, M'Gaughey, Wheeler, and Stewart.

On Agriculture—Messrs. Thompson, Jones, Edmonson, Conaway, Nelson of B., Moore of Vermillion, and Hamer.

On Corporations—Messrs. Sweetser, Moore of Owen, Osborn of Franklin, Wilson of Miami, Shields, Dunn, and Atherton.

On Enrolled Bills—Messrs. Osborn of F., and Morrison.

Mr. Miller moved that two hundred copies be printed for the use of the House;

Which motion was decided in the affirmative.

The Speaker laid before the House the annual report of the Treasurer of State; also,

The annual report of the Treasurer of State in relation to the three per cent. fund; also,

The annual report of the Treasurer of State on the subject of the Surplus revenue

On motion of Mr. Zenor,

The annual report of the Treasurer of State was referred to the committee on ways and means.

On motion of Mr. Eccles.

The report of the Treasurer of State, in reference to the three per cent. fund was referred to the committee on roads.

On motion of Mr. Miller,

The report of Treasurer of State on the subject of the surplus revenue, was referred to the committee on education.

The Speaker laid before the House a communication from the President of the State Bank, in reference to an agreement made with the Morris canal and banking company, for a loan of one million of dollars.

On motion of Mr. Cutter,

The said communication was referred to the standing committee on the State Bank; and

On motion of Mr. Long,

Five hundred copies were ordered to be printed.

The Speaker laid before the House reports from branches of the State Bank of Indiana at Lawrenceburgh, Vincennes, and Bedford; which,

On motion of Mr. Edmonson,

Were referred to the committee on the State bank.

Mr. Cutter introduced a bill (No. 1.) to abolish imprisonment for debt;

Which was read a first time and passed to a second reading.

On motion of Mr. Bowles,

The message of his Excellency the Governor was referred to a committee of the whole House and made the order of the day for Friday next.

Mr. Everts introduced a bill (No. 2.) for the relief of the collector of the revenue of Laporte county;

Which was read a first time and passed to a second reading on tomorrow.

Mr. Robinson of Jefferson introduced a bill (No. 3.) to change the name of Harvey Slocum of Jefferson county;

Which was read a first time and passed to a second reading.

Mr. Robinson of Ripley introduced the petition of John Shook and others, on the subject of taxation;

Which was referred to the committee on canals and internal improvements.

Mr. Cooper presented the petition of Tabor W. M'Kee and others, of Henry county, on the subject of a State road;

Which was referred to a select committee of Messrs. Cooper, Berkshire, and Baker.

Mr. Milroy presented the petition of A. F. Cain, J. W. Ewing

and others on the subject of a State road from Delphi in Carroll county to Marion in Grant county;

Which was read and referred to a select Committee of Messrs. Milroy, Dunn, and Fitch.

Mr. Hunt of J., presented the petition of David Sutton, F. F. Whitson and others, of Lancaster township, Jefferson county, on the subject of the vacation and establishment of a State road;

Which was read and referred to a select committee of Messrs. Hunt of Jefferson, Woodard, Robinson of Jefferson, Spann, and English.

Mr. Osborn of C. presented the petition of S. Thomas and others, of Clay county, on the subject of an indemnity to Nicholas G. Cromwell and others for the apprehension of horse thieves;

Which was read and referred to a select committee of Messrs. Osborn, Haddon, and Jenekes, with leave to report by bill or otherwise.

Mr. Lee presented the petition of John T. Ball and others, of Montgomery county, on the subject of licensing Physicians;

Which was read; when

Mr. Stewart moved to refer the petition to the standing committee on the judiciary;

Which motion was decided in the negative.

Mr. Carleton of Fountain moved to lay the petition on the table;

Which motion was decided in the negative.

On motion of Mr. Fitch,

The petition was referred to a select committee of Messrs. Lee, Nelson of Boon, Carleton of F., Campbell, and Garrigus.

On motion,

Mr. Nelson of Montgomery was added to the committee.

Mr. Hunt of Jefferson presented the petition of James Copelin and Maclin Copelin, of the county of Jefferson, on the subject of a school section in said county;

Which was read and referred to a select committee of Messrs. Hunt of J., Henly, and Spann.

Mr. Herriman presented six several petitions on the subject of a more uniform mode of doing county business;

Which were referred to a select committee of Messrs. Herriman, Rush, and Rippey.

On motion of Mr. Fisher,

Resolved, That a committee of five be appointed, with power to send for persons and papers, to inquire whether there is now any printer to House.

Messrs. Fisher, Judah, Sweetser, Wheeler, and M'Coy, were appointed said committee.

On motion of Mr. Bennet,

Resolved, That the committee on ways and means be directed to inquire into the expediency of *repealing* so much of the revenue law of last session, as requires the assessors of the different counties, to make out a list of the agricultural statistics of their respective counties; with leave to report by bill or otherwise.

On motion of Mr. Jones,

Resolved, That the committee of ways and means be instructed to inquire into the expediency of organizing by law, a district board of assessors, with such authority and power as will enable said board to equalize taxation in the several counties in this State; in accordance with the true meaning of the ad valorem system of taxation; with leave to report by bill or otherwise.

On motion of Mr. Zenor,

Resolved, That the members of this House respectively, who may introduce any subject matter which may be referred to either of the standing committees, shall be considered as members of said committees during the investigation of that matter.

Mr. Shields introduced the following resolution:

Resolved, That James Fislar be allowed three dollars for his services as door-keeper to the House of Representatives on Monday the second of December, 1839;

Which was read, and on motion referred to the committee on claims.

Mr. Hull introduced the following resolution:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of so changing the present law, in regard to the collection of debts, as to compel the creditor to sue in the township where the debtor lives.

And the ayes and noes being requested on the adoption of said resolution:

Those who voted in the affirmative were:

Messrs. Allison, Atherton, Becket, Buckles, Carleton of F., Clark, Coats, Cogswell Cox, Cutter, Dunn, English, Everts, Fisher, Fitch, Flint, Foster, Frisbie, Garrigus, Hamer, Hamblen, Henly, Herriman, Hull, Hunt of J. Hunt of R. Jamison, Jenckes, Johnson, Judah, Lane, Lancaster, Lanius, Lee, M'Coy, Milroy, Montgomery, Moore of O., Morgan, Nelson of M., Nelson of B. O'Neill, Osborn of C., Osborn of F., Parker, Perry, Perviance, Porter, Rippey, Robinson of J., Robinson of R., Rush, Shields, Shiveley, Spann, Sweetser, Thompson, White, Woodard, and Worster.—60

Those who voted in the negative were:

Messrs. Albertson, Arnold, Baker, Bell, Bennet, Berkshire, Bowles, Burk, Butler, Campbell, Carlton of L. Conaway, Cooper, Davis, Eccles, Edmonson, Farley, Finch, Haddon, Jackson, Jones, Long, Miller, Monroe, Moore of V., Morrison, Osborn of U., Robinson of Ripley, Sands, Southard, Stewart, Wheeler, Wilson of M., Wilson of W., Zenor, and Mr. Speaker—36

So said resolution was adopted.

Mr. Wilson of Miami offered the following resolution:

Resolved, That the committee of ways and means be instructed to

inquire into the expediency of repealing so much of the present revenue law as relates to taxing canal lands, improvements on government lands, and improvement on lands sold by the General Government, not taxable for five years.

On the question, "shall the resolution be adopted?" it was decided in the negative.

On motion of Mr. Thompson,

Resolved, That the committee of Ways and Means be instructed to enquire into the expediency of so amending the revenue laws, as to exempt from taxation all improvements on lands, except on buildings over a certain value, and of providing for an equitable mode of assessing the value of all real estate, taking into consideration the quality of soil, as well as advantages arising from their convenience to public works; with leave to report by bill or otherwise.

On motion of Mr. Cooper,

Resolved, That the committee on Ways and Means be instructed to enquire into the expediency of so amending the fifth section of the act, pointing out the mode of levying taxes and fixing the per centum for State purposes, approved February 15th, 1839, that the counties in which the State Bank and Branches are located shall not have power to tax, for county purposes, the stock held by stockholders in the respective counties in which there are no banks.

On motion of Mr. Cutter,

Resolved, That the judiciary committee be instructed to enquire into the practicability and propriety of so amending our laws as to abolish the punishment of death for crime and substitute therefor perpetual imprisonment.

Mr. Jones offered for adoption the following resolution, which was adopted, to-wit:

Resolved, That the committee on military affairs be instructed to report a bill, at an early period of the session, providing for the re-organization of the militia of this State, and that liberal provisions be made for the encouragement of raising volunteer companies; and such other provisions be incorporated as will ensure a prompt and efficient execution of the militia laws.

A message from the Senate by Mr. Test their Secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that the Senate has reciprocated the resolution of the House to proceed on Thursday the 5th instant at 10 o'clock, to the election of circuit judges, and prosecuting attorneys in the several judicial circuits in this State to fill vacancies that have occurred by resignation or otherwise.

And Messrs. Armstrong and Green are appointed tellers on the part of the Senate.

Messrs. English and Jones were appointed tellers on the part of the House of Representatives.

Mr. McCoy introduced the following resolution:

Resolved, That the committee on education be requested to inquire into the expediency of so changing the law, regulating county seminaries, as to make all district schools, county seminaries, and that all fines assessed against individuals be appropriated to the schools in the districts in which they live.

Mr. Cooper moved to change the reference to the judiciary committee, and that said committee inquire into the constitutionality of the subject matter of the resolution,

Which motion was decided in the affirmative.

The resolution, as amended, was then adopted.

On motion of Mr. Morgan,

Resolved, That the committee of ways and means be instructed to inquire into the expediency of making a complete revision of the revenue law at the present session, and if they find such revision necessary, that they be instructed to lay a revised bill before this House at as early a day as practicable.

On motion of Mr. Robinson of Ripley,

Resolved. That the committee on the judiciary inquire into the expediency of so amending the law regulating the duties and jurisdiction of justices of the peace, so as to authorize any plaintiff, whenever he commences a suit before a justice of the peace, on a joint, or a joint and several contract, and the process shall be returned executed on one or more of the defendants, and not found as to others, to suggest the facts on the docket of the justice and proceed to trial, judgment and execution against the defendant or defendants, on whom process has been served; and that they report by bill or otherwise.

Mr. Bowles introduced the following resolution, to-wit:

Resolved, That a select committee be appointed, consisting of eleven members, whose duty it shall be to inquire into and examine the principles of free banking; with leave to report by bill or otherwise.

Mr. Lane moved to change the reference to the committee on the State Bank;

Which motion did not prevail.

Mr. Fisher moved to postpone the further consideration of the resolution until the 15th of January next;

Which motion was decided in the negative.

On motion of Mr Long,

The resolution was laid upon the table.

On motion,

The House adjourned until two o'clock, P. M.

Two o'clock, P. M.

The House met pursuant to adjournment.

The Speaker laid before the House the annual report of the auditor of public accounts; which,

On motion of Mr. Thompson,

Was referred to the committee of ways and means.

The Speaker announced the following as the order of business, to-wit:

- I. Reading of the Journals.
- II. Petitions, memorials and remonstrances.
- III. Reports from standing committees.
 1. Of elections.
 2. Ways and means.
 3. Judiciary.
 4. Education.
 5. Military affairs.
 6. On the affairs of the State prison.
 7. On the affairs of the town of Indianapolis.
 8. On claims.
 9. On roads.
 10. On canals and internal improvements.
 11. On agriculture.
 12. On corporations.
 13. On the State Bank.
- IV. Reports from joint standing committees.
 1. On public buildings.
 2. On canal fund.
 3. On State library.
- V. Reports from select committees.
- VI. Resolutions of the House.
- VII. Joint resolutions.
- VIII. Bills.
- IX. Orders of the day.

The Speaker laid before the House the following communications from His Excellency the Governor:

The Hon. James G. Read, Speaker:

Joseph M. Moore is appointed Private Secretary, and is authorized to make private communications from this Department to the House of Representatives.

D. WALLACE.

Executive Department, December 4th, 1839.

Executive Department, December 4, 1839.

Hon. James G. Read,

Speaker of the House of Representatives:

Herewith I return to the House of Representatives, a bill to incorporate the Harrison Insurance Company, which passed both Houses of the last General Assembly. My objections to it are, first: that it contains no limitation, as to the amount of interest which the Company may exact; and, secondly, that there is no power reserved to the Legislature, to amend or annul it at any time hereafter. All of which

I respectfully request may be submitted to the consideration of the House.

DAVID WALLACE.

The bill mentioned in the last communication was, on motion, referred to the committee on corporations.

Mr. Jenckes presented the petition of Ephraim P. Rester, Henry Combes, and others, of Vigo county, on the subject of an appropriation on a State road;

Which was referred to the committee on roads.

Mr. Foster introduced the following resolution, to wit,

Resolved, That the committee of ways and means enquire into the propriety of so amending the law authorizing the boards doing county business, to grant a licence to vend foreign merchandize and retail spirituous liquors, as to authorize their clerks to grant permits in vacation.

Mr. Carleton of F. moved to lay the resolution upon the table;

Which motion was decided in the negative.

Mr. Carleton of Fountain moved to amend the resolution, by striking out so much thereof as relates to spirituous liquors;

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Arnold, Atherton, Baker, Bell, Bennet, Berkshire, Buckles, Burke, Butler, Campbell, Carleton of Fountain, Conaway, Cooper, Cox, Dunn, Eccles, Everts, Fisher, Flint, Frisbie, Hamer, Henley, Hull, Hunt of Jeff., Jackson, Lancaster, Lanius, Long, Milroy, Montgomery, Morgan, Morrison, Osborn of U., Osborn of F., Parker, Perry, Perviance, Porter, Rippey, Robinson of J., Robinson of Rush, Rush, Shields, Shiveley, Southard, Wilson of M., Woodard, Worster, Zenor, and Mr. Speaker—50.

Those who voted in the negative were:

Messrs. Allison, Bowles, Carlton of L., Clark, Coats, Cogswell, Cutter, Davis, Edmonson, English, Farley, Finch, Fitch, Foster, Garrigus, Haddon, Hamblen, Herriman, Hunt of R., Jamison, Jenckes, Johnson, Jones, Lane, Lee, McCoy, McGaughey, Miller, Monroe, Moore of O., Moore of V., Nelson of B., Nelson of M., O'Neill, Osborn of C., Robinson of Ripley, Sands, Spann, Stewart, Sweetser, Wheeler, White, and Wilson of White—44.

So the amendment was adopted.

On motion of Mr. Cooper, the resolution was indefinitely postponed.

Mr. Cutter offered for adoption the following resolution:

Resolved, That the committee on ways and means be instructed to report a bill, so changing our present law in regard to assessors and collectors, that it shall be the duty of the people of each township to

elect an assessor and collector, to discharge the duties appertaining to those offices at their annual township meetings, and to repeal the present mode of appointment by county commissioners.

Mr. Fisher moved to amend by striking out that the committee be instructed to report, &c. and insert, "be required to inquire into the expediency of so changing," &c.;

Mr. Allison moved that the resolution and proposed amendment be laid upon the table;

Which motion did not prevail.

The question recurring on the proposed amendment,

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Allison, Becket, Bell, Bennet, Berkshire. Boles, Buckles, Burk, Campbell, Carlton of L. Cogswell, Finch, Fisher, Fitch, Henly, Herriman, Hunt of R., Johnson, Lee, Long, McCoy, Miller, Milroy, Monroe, Nelson of B., Nelson of M., Osborn of F., Osborn of U., Porter, Rippey, Robinson of J., Robinson of Ripley, Spann, Stewart, Wheeler, Wilson of W., and Mr. Speaker—36.

Those who voted in the negative were:

Messrs. Arnold, Atherton, Baker, Butler, Carleton of F., Clark, Coats, Conaway, Cooper, Cox, Cutter, Davis, Dunn; Eccles, Edmonson, English, Everts, Farley, Flint, Foster, Frisbie, Garrigus, Haddon, Hamer, Hamblen, Hull, Hunt of J., Jackson, Jamison, Jenckes, Jones, Judah, Lane, Lancaster, Lanius, McGaughey, Montgomery, Moore of O., Moore of V., Morgan, Morrison, O'Neill, Osborn of C., Parker, Perry, Perviance, Robinson of Rush, Rush, Sands, Shields, Shiveley, Southard, Sweetser, Thompson, White, Wilson of M., Woodard, Worster, and Zenor—61.

So the amendment was not adopted.

Mr. Stewart moved to amend by striking out the word "townships," and inserting "counties."

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Arnold, Becket, Boles, Buckles, Carlton, of L., Coats, Edmonson, Finch, Fisher, Henly, Lee, Long, Miller, Milroy, Monroe, Morrison, Nelson of M., and Stewart—18.

Those who voted in the negative were,

Messrs. Albertson, Allison, Atherton, Baker, Bell, Bennet, Berkshire, Burk, Butler, Campbell, Carleton of F., Clark, Cogswell, Conaway, Cooper, Cox, Cutter, Davis, Dunn, Eccles, English, Everts, Farley, Fitch, Flint, Foster, Frisbie, Garrigus, Haddon, Hamer, Hamblen, Herriman, Hull, Hunt of J., Hunt of R., Jackson, Jamison,

Jenckes, Johnson, Jones, Judah, Lane, Lancaster, Lanius, McCoy, McGaughey, Montgomery, Moore of O., Moore of V., Morgan, Nelson, of B., O'Neill, Osborn of C., Osborn of F., Osborn of U., Parker, Perry, Purviance, Porter, Rippey, Robinson of J., Robinson of Ripley, Robinson of Rush, Rush, Sands, Shields, Shiveley, Southard, Spann, Sweetser, Thompson, White, Wilson of M., Wilson of W., Woodard, Worster, Zenor, and Mr. Speaker—78.

So the amendment was not adopted.

The question again recurring on the adoption of the resolution,
And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Allison, Arnold, Atherton, Baker, Bell, Burnet, Berkshire, Bowles, Buckles, Burk, Butler, Campbell, Carleton of F., Clark, Coats, Cogswell, Conaway, Cooper, Cox, Cutter, Davis, Eccles, Edmonson, Everts, Farley, Finch, Fitch, Flint, Foster, Frisbie, Garri-gus, Hamer, Hamblen, Henly, Herriman, Hull, Hunt of J., Hunt of R., Jackson, Jamison, Jenckes, Johnson, Jones, Judah, Lane, Lancaster, Lanius, McCoy, Milroy, Monroc, Montgomery, Moore of O., Moore of V., Morgan, Morrison, Nelson of B., Nelson of M., O'Neill, Osborn of C., Osborn of F., Osborn of U., Parker, Perry, Perviance, Porter, Rippey, Robinson of Rush, Robinson of Ripley, Robinson of J., Rush, Sands, Shields, Shiveley, Southard, Spann, Stewart, Thompson, White, Wilson of M., Wilson of W., Woodard, Worster, Zenor, and Mr. Speaker—84.

Those who voted in the negative were:

Messrs. Becket, Carlton of L., Dunn, English, Fisher, Haddon, Lee, Long, McGaughey, Miller, and Sweetser—11.

So the resolution was adopted.

On motion of Mr. Jones,

Resolved, That the committee on education be instructed to enquire into the expediency of revising generally the school law, so that it may be more easily understood, and extend more equal justice, with leave to report by bill or otherwise.

On motion of Mr. McGaughey,

Resolved, That the judiciary committee be instructed to inquire into the expediency of repealing so much of an act relative to crimes and punishment, approved February 10th, 1831, as requires a judgment of disfranchisement for crime, against persons not entitled to the exercise of the elective franchise under the Constitution of this State, with leave to report by bill or otherwise.

On motion of Mr. Bell,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of providing by law for the granting of a supersedeas in criminal cases; and that they have leave to report by bill or otherwise.

Mr. Allison introduced the following resolution:

Resolved, That the judiciary committee be instructed to inquire into the expediency of so amending the law prohibiting the circulation of bank notes of a less denomination than five dollars, as more effectually to prohibit their circulation in this state.

Mr. Judah moved to amend, that the committee enquire into the expediency of authorizing the bank of this state to issue bills of a less denomination than five dollars; when

Mr. Judah moved that the resolution and proposed amendment be laid upon the table;

Which motion was decided in the affirmative.

Mr. Herriman offered for adoption the following resolution:

Resolved, That the Secretary of State be instructed to employ a good and trustworthy man, at a rate not exceeding seventy-five cents per day to split and draw up wood for this House during the present session.

Mr. Monroe moved to amend the resolution by adding the following:

“And also to employ an assistant Door-Keeper;”

Which motion was decided in the negative.

Mr. Sweetser moved to amend the resolution by striking out “seventy-five cents” and inserting “one dollar;”

Which motion did not prevail.

Mr. Cogswell moved that the resolution be laid upon the table;

Which motion was decided in the negative.

Mr. Sweetser moved to reconsider the vote laying the resolution upon the table;

Which motion was decided in the affirmative; and

The question being taken to lay the resolution on the table, it was decided in the affirmative.

Mr. Osborn of F. made the following report:]

MR. SPEAKER—

The joint committee on enrolled bills report, that they have compared the enrolled with the engrossed joint resolution of the Senate, to wit:

No. 1. Entitled “a joint resolution concerning the committees of the Senate, and find the same truly enrolled.

On motion,

The House adjourned until to-morrow morning at nine o'clock.

THURSDAY MORNING, DECEMBER 5, 1839.

House met pursuant to adjournment.

The Speaker laid before the House the report of the Secretary of State, in relation to contracts for distributing the laws, &c.;

Which was read and referred to the committee on claims.

The Speaker also laid before the House the report of the State Librarian;

Which was read and referred to the committee on the State Library.

On motion of Mr. Cogswell,

Resolved, That the Senate be invited to attend, instantler, in the Hall of this House for the purpose of electing judges and prosecutors, in the several judicial circuits in this State wherein there are vacancies, and that seats be provided for them on the right of the Speaker's chair,

Whereupon, the Senate came into the Hall of the House of Representatives and took their seats on the right of the Speaker's chair, the President of the Senate on the right of the Speaker, when both Houses, on joint ballot, proceeded to the election of President Judge for the 5th Judicial Circuit, and on counting the votes, on the first ballot, it appeared that

James Morrison received	-	-	130 votes.
Scattering	-	-	12

James Morrison having received a majority of the whole number of votes given, was, by the President of the Senate, in presence of both Houses of the General Assembly, declared duly elected President Judge of the fifth Judicial Circuit, to fill the vacancy occasioned by the resignation of the Hon. William W. Wick.

Both Houses then, in like manner, proceeded to the election of a President Judge of the 8th Judicial Circuit, and on counting the first ballot, it appeared that

Thomas Johnson received	-	-	46 votes.
Henry Chase,	-	-	36 "
John W. Wright	-	-	54 "
William O. Ross	-	-	4 "
Scattering	-	-	2 "

No person having received a majority of the whole number of votes given, both Houses, then, in like manner proceeded to a second balloting. On counting the votes, it appeared that

Thomas Johnson received	-	-	51 votes.
John W. Wright	-	-	70 "
Henry Chase	-	-	19 "

No person having received a majority of the whole number of votes given, both Houses, in like manner, proceeded to a third balloting. On counting the votes it appeared that

Thomas Johnson received	-	-	65 votes.
John W. Wright, "	-	-	74 "
Scattering, "	-	-	4 "

John W. Wright having received a majority of the whole number

of votes given, was, by the President of the Senate, in presence of both Houses of the General Assembly, declared duly elected President Judge of the 8th Judicial Circuit, to serve as such for the term of seven years from and after the ninth day of January next.

Both Houses then, in manner aforesaid, proceeded to the election of President Judge of the eleventh Judicial Circuit.

On counting the first ballot it appeared that

David Kilgore received	-	-	-	-	102 votes.
Elisha Vance	"	-	-	-	35 "
Scattering	"	-	-	-	6 "

David Kilgore having received a majority of the whole number of votes given, was, by the President of the Senate, in presence of both Houses of the General Assembly, declared duly elected President Judge of the eleventh Judicial Circuit to fill the vacancy occasioned by the resignation of the Hon. Morrison Rulon.

The convention then adjourned until two o'clock P. M.; and

The Senate returned to their chamber; when,

On motion, the House adjourned until two o'clock P. M.

Two o'clock P. M.

The House met pursuant to adjournment.

The Senate now, in accordance with the adjournment of the convention of the two Houses came into the Hall of the House, for the purpose of continuing the elections.

Both Houses then, on joint ballot, proceeded to the election of a Prosecuting Attorney for the first Judicial Circuit. On counting the first ballot it appeared that

Samuel C. Willson received	-	-	-	-	88 votes.
Robert C. Gregory	"	-	-	-	54 "
Scattering	"	-	-	-	1 "

Samuel C. Willson having received a majority of the whole number of votes given, was, by the President of the Senate, in presence of both Houses of the General Assembly declared duly elected Prosecuting Attorney for the first Judicial Circuit, for the term of two years from this date.

Both Houses then, in like manner, proceeded to the election of a Prosecuting Attorney for the 3d Judicial Circuit; when, on counting the first ballot it appeared that

John Dumont received	-	-	-	-	120 votes.
G. M. Thompson	"	-	-	-	22 "
Scattering	"	-	-	-	1 "

John Dumont having received a majority of the whole number of votes given, was, by the president of the Senate, in presence of both Houses of the General Assembly, declared duly elected Prosecuting Attorney for the third Judicial Circuit, for the term of two years from the 11th December, instant.

Both Houses then, in like manner, proceeded to the election of a

Prosecuting Attorney for the 5th Judicial Circuit. On counting the first ballot it appeared that

William J. Peaslee received	96 votes.
A. A. Hammond “	46 “
Scattering “	1 “

William J. Peaslee having received a majority of the whole number of votes given, was, by the President of the Senate, in presence of both branches of the General Assembly, declared duly elected prosecuting attorney for the 5th judicial circuit, to serve as such for the term of two years from this date.

Both Houses, in like manner, proceeded to the election of a prosecuting attorney for the 7th judicial circuit. On counting the first ballot it appeared that

Delano R. Eckels received	100 votes.
Scattering “	37 “

Delano R. Eckles having received a majority of the whole number of votes given, was, by the President of the Senate, in presence of both Houses of the General Assembly, declared duly elected prosecuting attorney for the 7th judicial circuit for the term of two years from and after the 15th day of February next.

Both Houses, in like manner, proceeded to the election of prosecuting attorney for the eleventh judicial circuit. On counting the first ballot it appeared that

Jeremiah Smith received	71 votes.
Richard Winchell “	46 “
John Brownlee “	4 “
Joseph Anthony “	16 “
Scattering	5 “

No person having received a majority of the whole number of votes given, both Houses proceeded in like manner, to a second balloting. On counting the votes it appeared that

Jeremiah Smith received	75 votes.
Richard Winchell “	50 “
Joseph Anthony “	10 “
Scattering “	3 “

Jeremiah Smith having received a majority of the whole number of votes given, was, by the President of the Senate, in presence of both Houses of the General Assembly, declared duly elected prosecuting attorney for the eleventh judicial circuit, for the term of two years from this date.

The two Houses having gone through with the elections, the President of the Senate adjourned the convention *sine die*; whereupon,

The Senate returned to their chamber, and

On motion,

The House adjourned until to-morrow morning at nine o'clock.

FRIDAY MORNING, DEC. 6, 1839.

The House met pursuant to adjournment.

Mr. Fitch, on leave granted, offered the following resolution, which was adopted, to wit:

Resolved, That the House will, on this day, at 2 o'clock P. M., the Senate concurring therein, proceed to the election of Prosecuting Attorney in the 8th Judicial Circuit, to fill the vacancy occasioned by the resignation of John W. Wright, Esq:

Whereupon,

Messrs. Fitch and Campbell were appointed tellers on the part of the House.

The Speaker laid before the House the following communication from the President of the State Bank, to wit:

STATE BANK OF INDIANA,
Indianapolis, Dec. 7, 1839.

Hon. James G. Read,

Speaker of the House of Representatives,

SIR:—Please to lay before the House of Representatives, the accompanying copy of the report, on behalf of the directors of the State Bank of Indiana, heretofore furnished the public printer; as well as an exhibit now made of the affairs and business of said bank and each branch thereof, on the third Saturday of November, as required by the charter.

Very respectfully,
SAMUEL MERRILL.

P. S. Herewith are transmitted also the reports of the branches at Richmond, Lafayette, Madison, Fort Wayne, and Michigan City.
S. M.

Which on motion was referred to the committee on the State Bank.

On motion of Mr. Jenckes,

One thousand copies of the accompanying reports, and that portion of the report of the President of the State Bank, not now in print, were ordered to be printed for the use of the House.

The Speaker also laid before the House a communication from Lucius H. Scott, Esq., Fund Commissioner, transmitting a report of State Bonds sold since the first day of March last; which,

On motion of Mr. Cogswell,

Was referred to the committee on canal fund and five hundred copies ordered to be printed.

The Speaker also laid before the House reports from the branches

of the State Bank of Indiana at Evansville, South Bend, New Albany, and Terre Haute;

Which were severally referred to the committee on the State Bank.

Mr. Monroe presented the petition of A. McPheters, W. S. Ward and others, for an additional justice of the peace and constable to reside in the town of Fredricksburgh in Washington county;

Which was read and referred to a select committee of Messrs. Monroe, Arnold and Henly.

Mr. Henly presented the petition of David W. Rowland and others, in relation to the sale of a certain portion of a lot of ground in the town of New Washington, the proceeds thereof to be appropriated to the erection of an Academy in said city;

Which was read and referred to the committee on education.

Mr. Finch presented the petition of Lewis Morgan and others, relative to a change of a portion of the Greensburgh State road;

Which was read and referred to a select committee of Messrs. Finch, Eccles, and Johnson.

Mr. Cooper, from a select committee, made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of Tabor W. M'Kee and others, for the purpose of declaring a certain county road therein named a State road, have had that subject under consideration, and they have directed me to report the following bill, to wit:

(No. 4.) A bill to declare a certain county road therein named a State road, in the county of Henry.

Said bill was read a first time and passed to a second reading on tomorrow.

Mr. Cutter from the select committee to which the subject was referred, made the following report:

MR. SPEAKER:

The select committee to whom was referred the resolution in regard to unfinished business of the last session of the House of Representatives have had the same under consideration and have instructed me to report upon the subject as follows:

Namely: That after diligent investigation and inquiry they have discovered nothing which requires any extraordinary, particular or immediate action of this House.

The following bills however which remain among the unfinished business of the last session of the House of Representatives, they most respectfully suggest should be referred to the standing committee on ways and means, to wit: A bill of the House No. 217 for the appointment of agents of the surplus revenue in the several counties, and for other

purposes, which was introduced January the 16th, read the first and second times and referred to a committee of the whole.

A bill of the House No. 137, relative to the receipts and disbursements of all State funds and for other purposes, which has been printed and referred to a committee of the whole.

An act to provide for the sale of lands forfeited to the State for the non-payment of taxes.

An Act to provide for the redemption of lands and town lots sold for taxes.

And an Act prescribing the duties of county treasurers.

All which your committee respectfully submit, and ask to be discharged from the further consideration of the subject.

On motion,

The report of the committee was concurred in, and the bills mentioned therein accordingly referred to the committee of ways and means.

A message from the Senate by Mr. Test their secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the resolution of the House to proceed on this day at two o'clock P. M. to the election of a Prosecuting Attorney in the 8th Judicial Circuit to fill the vacancies occasioned by the resignation of John W. Wright.

Messrs. Kennedy and Clark are appointed tellers on the part of the Senate.

Mr. Robinson of Jefferson offered for adoption the following resolution, to wit:

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the act subjecting real and personal estate to execution, as to provide for the appraisement of any and all real estate that may be levied on, on any execution at law, or order or decree in chancery, that now is, or may hereafter be issued or made, and the sale of the same, at not less than two thirds of its appraised value; with leave to report by bill or otherwise.

Mr. Bennet moved that the resolution be laid upon the table;

Which motion was decided in the negative.

Mr. Moore of O. moved that the resolution be so amended as to embrace personal property as well as real estate;

Which motion was concurred in.

Mr. Zenor moved to strike out of the resolution the words, "now is, or"—so as to extend the object of the resolution to subsequent executions, decrees, &c.

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Buckles, Campbell, Cogswell, Lee, Monroe, Nelson of M., O'Neill, Sweetser, and Zenor—9.

Those who voted in the negative were:

Messrs. Albertson, Allison, Arnold, Atherton, Baker, Becket, Bell, Bennet, Berkshire, Bowles, Burk, Butler, Carleton of F., Carlton of L., Clark, Coats, Conaway, Cooper, Cox, Cutter, Davis, Dunn, Eccles, Edmonson, English, Everts, Farley, Finch, Fisher, Fitch, Flint, Foster, Frisbie, Garrigus, Haddon, Hamer, Hamblen, Henly, Herriman, Hull, Hunt of J., Hunt of R., Jackson, Jamison, Jenckes, Johnson, Jones, Lane, Lancaster, Lanius, Long, McCoy, McGaughey, Miller, Milroy, Montgomery, Moore of O., Moore of V., Morgan, Morrison, of B., Osborn of C., Osborn of F., Osborn of U., Parker, Perry, Perivance, Porter, Rippey, Robinson of J., Robinson of R., Robinson of Rush, Rush, Sands, Shields, Shiveley, Southard, Spann, Stewart, Thompson, Wheeler, White, Wilson of M., Wilson of W., Woodard, Worster, and Mr. Speaker—85.

So the amendment was not adopted.

Mr. Cutter moved to amend by striking out of the resolution the words "two thirds," and inserting "three fourths," in reference to the value of property.

Mr. Herriman called for a division of the question, when the question being taken on striking out, the same was decided in the negative.

The question recurring on the adoption of the resolution, it was decided in the affirmative.

On motion of Mr. Thompson,

Resolved, That the committee on canals and internal improvements be instructed to inquire into the propriety of sending some suitable person as a commissioner, on the part of this State, to Columbus, Ohio, with a view of urging a more vigorous prosecution of that part of the Wabash and Erie canal, which lies within the limits of the State of Ohio.

On motion of Mr. Edmonson,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of so amending the law regulating the probate system of the State, as to authorize the probate judges to keep their own records, and that they have leave to report by bill or otherwise.

On motion of M. Robinson of Ripley,

Resolved, That the judiciary committee be directed to inquire into the expediency of amending the law allowing and regulating the writ of *ad quod damnum*, so that it may embrace in its provisions all persons having built a dam and mill, or other machinery, as well as persons wishing to build; and that they have leave to report by bill or otherwise.

On motion of Mr. Albertson,

Resolved, That the committee on education be instructed to inquire into the expediency of so amending the common school law, that persons supporting private schools shall be entitled, in like manner, to persons supporting district schools, to draw their proportion of the school fund, of the township in which they reside.

On motion of Mr. Fisher,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of so amending the act relative thereto, as to equalize the duties of the third and sixth judicial circuits of the State.

Mr. Sands offered for adoption the following resolution:

Resolved, That the superintendent of the Brooklyn soap and candle factory be required to report to this House, at the earliest opportunity, the amount of candles manufactured within the last year, and whether there has been soap enough manufactured to wash Dr. Coe of the "transaction" which caused the State to become possessed of the establishment.

Mr. Cooper moved that the resolution be laid upon the table, And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Allison, Arnold, Baker, Becket, Berkshire, Buckles, Burk, Campbell, Carleton of F., Clark, Cogswell, Cooper, Cox, Edmonson, Everts, Fisher, Fitch, Flint, Frisbie, Garrigus, Had-don, Hamer, Hamblen, Herriman, Hull, Hunt of R., Jackson, Jenckes, Johnson, Jones, Judah, Lancaster, Lee, Long, McCoy, McGaughey, Milroy, Monroe, Montgomery, Morrison, O'Neill, Osborn of F., Parker, Rippey, Robinson of J., Robinson of R., Shiveley, Stewart, Sweetser, Thompson, Wheeler, White, Wilson of M., Wilson of W., Woodard, and Zenor—56.

Those who voted in the negative were:

Messrs. Atherton, Bell, Bennet, Bowles, Butler, Carlton of L., Coats, Conaway, Cutter, Davis, Dunn, Eccles, English, Farley, Finch, Foster, Henly, Hunt of J., Jamison, Lane, Lanius, Miller, Moore of O., Moore of V., Morgan, Nelson of B., Nelson of M., Osborn of C., Osborn of U., Perry, Perviance, Porter, Robinson of Rush, Rush, Sands, Shields, Southard, Spann, Worster, and Mr. Speaker—41.

So the resolution was laid upon the table.

On motion of Mr. Berkshire,

Resolved, That the committee of ways and means be instructed to inquire into the expediency of so amending the act, entitled "an act pointing out the mode of levying taxes, and fixing the per centum for State purposes," approved February 15, 1839, that all taxes imposed on State bank stock, be collected and paid, in the counties where the respective stockholders reside.

On motion of Mr. Cutter,

Resolved, That the committee on agriculture be instructed to report a bill providing some efficient mode of encouraging the manufacture of salt, iron, sugar from the sugar beet, and the growth of silk, within the State of Indiana.

Mr. Nelson of Boone offered for adoption the following resolution:

Resolved, That the judiciary committee be instructed to inquire into the expediency of so amending the laws, that all persons, commencing suit in any court, shall be bound to give security for cost, on affidavit being filed in said court, by the defendant, his agent or attorney, setting forth that the plaintiff is not worth the costs, if adjudged against him; with leave to report by bill or otherwise.

On the question, shall the resolution be adopted, it was decided in the negative.

Mr. Osborn of Clay, offered for adoption the following resolution:

Resolved, That the committee on canals and internal improvements be instructed to inquire into the expediency of ordering the board of internal improvement to issue State scrip, or bonds bearing six per cent. interest per annum, until paid, to indemnify contractors on the public works of this State; with leave to report by bill or otherwise.

Mr. Foster moved to amend, by inserting after the word "State," the words "for work now done;"

Which motion was decided in the affirmative.

Mr. Hamer moved to strike out "six," and insert "five," the amount of interest;

Which motion was decided in the negative.

Mr. Long moved to strike out of the resolution the words "board of internal improvements," and insert "board of fund commissioners;"

Which amendment was accepted.

The resolution, as amended, was then adopted.

On motion of Mr. Hunt of Jefferson,

Resolved, That the 14th section of the insolvent debtor's law, and the 18th section of the execution law of the revised statutes of 1838, be referred to the judiciary committee for their examination, with instructions to report a bill in accordance with the spirit of the sections referred to, embodying their substance, and rendering more clear the true intent and meaning of said sections, if they find the same expedient.

Mr. Milroy offered the following resolution:

Resolved, That a select committee be appointed to inquire into the expediency of an immediate issue of interest bearing scrip, in amount sufficient to meet the sums due the various contractors and others, on account of the Wabash and Erie canal, from the Ohio State line to the mouth of Tippecanoe; and also the issue, from time to time, of such further sums as may become necessary, before the procurement of loans by the State, in and about the construction and completion of said canal to the point named; making said scrip receivable in payment of interest or principal due, or to fall due, on the Wabash and Erie canal lands; and also receivable in payment of interest or principal due, or

to fall due, on the Wabash and Erie canal lands; and also receivable in payment of that portion of those lands not yet in market, when the same shall be offered for sale; with leave to report by bill or otherwise.

Mr. Hunt of J., moved to amend by adding—"and also, to contractors on the line of the Madison and Indianapolis rail road.

Mr. Butler moved to amend by adding "the southern section of the Central canal."

Mr. Cogswell moved to add—"also the Central canal north of Indianapolis.

Mr. Cutler moved to add the Cross-cut canal.

Mr. Carleton of Fountain moved to strike out "the mouth of Tippecanoe," and insert "the town of Covington;" when

On motion of Mr. Montgomery,

The resolution and proposed amendments were ordered to lie upon the table.

On motion of Mr. M'Coy,

Resolved, That the committee of ways and means be instructed to inquire into the expediency of so changing the time of paying the revenue, as to postpone until the first Monday in January in each year.

Mr. Cutter offered for adoption the following resolution:

Resolved, That the judiciary committee be instructed to inquire into the expediency of providing by law that any person having a claim against any decedent's estate for his personal labor or service shall have preference of any other creditor of said estate, and report by bill or otherwise.

Mr. Miller moved to lay the resolution on the table,

And the ayes and noes being requested thereon,

Those who voted in the affirmative were;

Messrs. Arnold, Atherton, Becket, Bell, Bennet, Berkshire, Buckles, Burk, Campbell, Carleton of F., Carlton of L., Clark, Conaway, Dunn, Edmonson, English, Everts, Farley, Fitch, Garrigus, Haddon, Hamer, Hamblen, Henly, Herriman, Hunt of J., Hunt of R., Jamison, Johnson, Jones, Lanius, McGaughey, Miller, Milroy, Monroe, Moore of V., Morrison, Nelson of B., Parker, Porter, Rippey, Robinson of Ripley, Rush, Shields, Shiveley, Stewart, Thompson, Wheeler, Wilson of M., Wilson of W., and Mr. Speaker.—51.

Those who voted in the negative were;

Messrs. Albertson, Allison, Baker, Bowles, Butler, Coats, Cooper, Cox, Cutter, Davis, Eccles, Finch, Fisher, Flint, Foster, Frisbie, Hull, Jackson, Jenckes, Lane, Lancaster, Lee, Long, McCoy, Montgomery, Moore of O., Morgan, Nelson of M., O'Neill, Osborn of C., Osborn of F., Osborn of U., Perry, Perviance, Robinson of J. Robinson of Rush, Sands, Southard, Spann, Sweetser, White, Woodard, Worster and Zenor,—43.

So the resolution was laid upon the table.

On motion of Mr. Carleton of F.,

Resolved, That the judiciary committee be instructed to inquire into the expediency of enacting a law to compel surviving partners to file an inventory of all the personal and real estate belonging to the firm of which they may be surviving partners, together with all debts due to and against the firm in the clerk's office of the county in which they may live, and enter into bond, with sufficient security for the faithful discharge of all their duties as such surviving partners, and such other provisions as may be necessary, in the opinion of said committee, to secure the rights, and interests of the deceased partners, and a strict account thereof to the administrator or executor of such deceased partner; with leave to report by bill or otherwise.

Mr. Atherton offered for adoption the following resolution, to wit:

Resolved, That the committee on canals and internal improvements be instructed to inquire into the expediency of authorizing the fund commissioners to negotiate for a loan, at six per cent. per annum to discharge the present debt due contractors on public works; and to report by bill or otherwise.

Mr. Sweetser moved to amend by adding the following additional resolution, viz

Resolved, also, That the said committee inquire into the expediency and practicability of paying the debts due contractors on the public works, in post notes, through the agency of the state bank.

Mr. Fisher moved to amend the amendment by adding the following:

"Or by selling enough of the bonds of the Morris Canal and Banking Company."

Mr. Robinson of Ripley moved to lay the resolution and proposed amendments upon the table;

Which motion was decided in the negative.

On motion,

The House adjourned until two o'clock, P. M.

Two o'clock P. M.

The House met pursuant to adjournment.

On motion of Mr. Allison,

Resolved, That the Senate be requested to attend within the Hall of the House of Representatives, instantler, for the purpose of electing a prosecuting attorney, for the 8th judicial circuit, to fill the vacancy occasioned by the resignation of Mr. Wright, and that seats be prepared for them on the right of the Speaker's chair.

The Senate then came into the Hall of the House, and took their seats on the right of the Speaker's chair,—the President of the Senate on the right of the Speaker. Both Houses then proceeded, on joint ballot, to the election of a prosecuting attorney for the 8th judicial circuit. Upon counting the votes of the first ballot, it appeared that

William S. Palmer received	-	-	70 votes.
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Lucius P. Ferry	"	-	71 "
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Scattering	-	-	1 vote.
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No person having received a majority of all the votes given, both

Houses, in like manner, proceeded to a second balloting. Upon counting the votes of the second ballot, it appeared that

William S. Palmer received	-	-	70 votes.
Lucius P. Ferry	"	-	72 "
Scattering	-	-	1 vote.

Lucius P. Ferry, having received a majority of all the votes given, was, by the President of the Senate, in presence of both Houses, declared duly elected prosecuting attorney for the 8th judicial circuit for the term of two years from this date.

The Senate then retired to their chamber.

The House now again resumed the consideration of the resolution offered in the forenoon by Mr. Atherton and pending amendments which were under consideration when the House adjourned; and

The question being taken on the amendment of Mr. Fisher to the amendment offered by Mr. Sweetser, it was decided in the affirmative.

The amendment, as amended, was then adopted; when

Mr. Parker moved to strike out the resolution from the resolving clause and insert the following, to wit:

"That the committee on canals and internal improvements be instructed to inquire into the most expedient and practicable means for paying off contractors on the public works, for the work by them now done, and for a further judicious prosecution of the public works either by the issue of State scrip, the issue of post notes, the sale of the bonds of the Morris Canal Banking Company or otherwise, and that they report by bill or otherwise as early as possible; which was decided in the affirmative.

The resolution; as amended, was then adopted.

Mr. Garrigus now moved that the vote on the resolution, adopted on Tuesday last, authorising the door-keeper to contract with the editors of the Indiana Democrat and Journal, for three of their papers each, as published, be reconsidered; when

Mr. Lane moved that certain paragraphs in the Indiana Journal of this day, abusive of the Speaker and members generally of this House, be read by the clerk.

A point of order having been raised, as to the propriety of reading said paragraphs, the Speaker decided that the motion to read was in order; whereupon Mr. Judah appealed to the House from the decision of the chair.

And the question being put, "is the decision of the chair correct?"

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Arnold, Baker, Bowles, Buckles, Burk, Campbell, Carlton of L., Clark, Cogswell, Conaway, Davis, Dunn, Eccles, Edmonson, English, Everts, Farley, Fisher, Fitch, Foster, Frisbie, Garrigus, Haddon, Hamblen, Henly, Herriman, Hull, Hunt of J., Hunt of R., Jenckes, Johnson, Jones, Lane, Lanius, Lee, Long, McCoy,

Miller, Milroy, Monroe, Moore of C., Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of C., Osborn of U., Perry Perviance, Porter, Rippey, Robinson of Rush, Sands, Shields, Shiveley, Southard, Spann, Stewart, Wheeler, White, Wilson of M., Wilson of W., Worster and Zenor—65.

Those who voted in the negative were:

Messrs. Allison, Atherton, Becket, Bell, Bennet, Berkshire, Butler, Carleton of F., Coats, Cooper, Cox, Cutter, Finch, Flint, Jackson, Jamison, Judah, Lancaster, McGaughey, Montgomery, Morgan, O'Neill, Osborn of F., Parker, Robinson of J., Robinson of Ripley, Rush, Sweetser, Thompson and Woodard—30.

And so the House sustained the decision of the chair.

The question then recurring upon Mr. Lane's motion to read.

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Arnold, Bowles, Buckles, Campbell, Carleton of F., Carlton of L., Clark, Cogswell, Conaway, Cooper, Davis, Eccles, Edmonson, English, Farley, Finch, Fisher, Fitch, Frisbie, Garrigus, Haddon, Hamblen, Henly, Herriman, Hull, Hunt of J., Hunt of R., Johnson, Lanius, Lee, Long, McCoy, Miller, Milroy, Monroe, Moore of O., Moore of V., Morgan, Morrison, Nelson of B., Nelson of M., Osborn of U., Perry, Porter, Rippey, Robinson of Rush, Sands, Shiveley, Southard, Spann, Stewart, Sweetser, Wheeler, White, Wilson of W., Worster and Mr. Speaker—58.

Those who voted in the negative were:

Messrs. Allison, Atherton, Baker, Becket, Bell, Bennet, Berkshire, Burk, Butler, Coats, Cox, Cutter, Dunn, Everts, Flint, Foster, Hamer, Jackson, Jamison, Jenckes, Jones, Judah, Lancaster, McGaughey, Montgomery, O'Neill, Osborn of C., Osborn of F., Parker Perviance, Robinson of J., Robinson of Ripley, Rush, Shields, Thompson, Wilson of M., Woodard and Zenor—38.

And so the House sustained the motion to read; and thereupon the paragraphs referred to, in Mr. Lane's motion, were read by the clerk.

Mr. Foster now moved that the House adjourn, until to-morrow morning, at nine o'clock,

Which motion was decided in the negative.

The question then recurring upon the reconsideration of the vote upon the adoption of the resolution above referred to,

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Arnold, Bowles, Buckles, Campbell, Carleton of F., Carlton of L., Clark, Coats, Cogswell, Conaway, Davis, Eccles, Edmonson, English, Farley, Foster, Frisbie, Garrigus, Haddon, Hamblen, Henley, Herriman, Hull, Hunt of J., Jamison, Jones Lane, Lanius, Lee, Long, McCoy, McGaughey, Miller, Milroy, Monroe, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of C., Osborn of F., Perry, Porter, Rippey, Robinson of Ripley, Robinson of Rush, Sands, Shiveley, Southard, Stewart, Sweetser, Thompson, Wheeler, Worster and Mr. Speaker—57.

Those who voted in the negative were:

Messrs. Allison, Baker, Becket, Bell, Bennet, Berkshire, Burk. Butler, Cooper, Cox, Cutter, Dunn, Everts, Finch, Fisher, Fitch, Flint, Hamer, Hunt of R., Jackson, Jenckes, Johnson, Judah, Lancaster, Montgomery, Morgan, O'Neill, Osborn of U., Parker, Perviance, Robinson of J., Rush, Shields, Spann, White, Wilson of M., Wilson of W., Woodard and Zenor—38.

So the vote on the adoption of the resolution was reconsidered.

On motion of Mr. Henly.

The resolution was laid upon the table.

Mr. Osborn of F., made the following report:

MR. SPEAKER—

The joint committee on enrolled bills now report, that they did, this day, present to His Excellency the Governor for his approval and signature, a joint resolution of the Senate No. 1, entitled "A joint resolution concerning committees of the Senate.

On motion,

The House adjourned until to-morrow morning at nine o'clock.

SATURDAY MORNING, December 7, 1839.

The House met pursuant to adjournment.

On motion,

The previous orders of the day were dispensed with, and the House, according to order, resolved itself into a committee of the whole, on the Governor's Message, Mr. Albertson in the chair; and after having gone through therewith, the committee rose and the chairman reported the following resolutions to the House for its concurrence, to-wit:

1. That so much of the Governor's message as says, "I respectfully recommend, that our Senators be instructed and our Representatives requested, to use every honorable exertion to procure from Congress, the passage of a bill distributing the proceeds of the sales of the public lands among the several States, according to the principles of the

bill which recently passed both Houses of Congress on that subject, be referred to the committee on canals and internal improvements."

2. That so much of the Governor's message as relates to the currency and to the bank, be referred to the committee on the State Bank.

3. That so much of the Governor's message as relates to canals and internal improvement, be referred to the committee on that subject.

4. That so much of the Governor's message as refers to His Excellency the Governor of New York, transmitting a law of that State entitled "an act to authorize the arrest and detention of fugitives from justice from other States and territories of the United States, be referred to the committee on the judiciary.

5. That so much of the Governor's message as relates to the past and present policy of the general government, in connection with the embarrassed condition of the financial affairs of this State, be referred to a select committee of five.

6. That so much of the Governor's message as relates to the selection of public lands for the continuation of the Wabash and Erie canal from the mouth of Tippecanoe river to Terre Haute, be referred to the committee on canals and internal improvements.

7. That so much of the Governor's message, as relates to Dr. Wylic, and the affairs of the University at Bloomington be referred to a select committee of five.

8. That so much of the Governor's message as relates to a set of standard weights, authorized by Congress and intended for the use of this State, be referred to the committee on the judiciary.

9. That so much of the Governor's message where he says, "I take pleasure in laying before you, according to request, joint resolutions of the Legislature of Maine, New Jersey, North Carolina and Missouri, on the subject of the public domain, be referred to a select committee of five.

10. That so much of the Governor's message as relates to the inequality in the assessment of taxables and taxable property, be referred to the committee of ways and means.

11. That so much of the Governor's message as relates to education be referred to the appropriate committee on that subject.

12. That that part of the Governor's message relating to a State geologist, be referred to the committee on agriculture.

13. That so much of the Governor's message as relates to the State prison, be referred to the committee on that subject.

14. That so much of the Governor's message as relates to the revenue, be referred to the committee of ways and means.

15. That so much of the Governor's message as relates to the protection of property from a sacrifice under execution, be referred to the committee on the judiciary.

16. That so much of the Governor's message as relates to the subject of the State bank, be referred to the committee on the State bank.

17. That so much of the Governor's message as relates to the Cumberland road, be referred to a select committee of five.

On motion,

The House concurred generally in all the resolutions, with the exceptions of numbers 5 and 7.

On resolution number 5, the question being put, "will the House concur in said resolution?"

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Arnold, Baker, Bowles, Buckles, Carleton of F., Carlton of L., Clark, Conaway, Davis, Dunn, Eccles, Edmonson, English Farley, Finch, Fisher, Fitch, Foster, Frisbie, Garrigus, Haddon, Hamblen, Henly, Herriman, Hull, Hunt of J., Johnson, Lane, Lanius, Lee, Long, McCoy, Miller, Milroy, Monroe, Moore of O., Moore of V., Morrison, Nelson of B. Nelson of M., Osborn of F., Osborn of U., Perry Perviance, Porter, Rippey, Robinson of Rush, Sands, Shields, Shiveley, Southard, Spann, Stewart, Sweetser, Wheeler, White, Worster and Mr. Speaker—59.

Those who voted in the negative were:

Messrs. Allison, Atherton, Becket, Bell, Bennet, Berkshire, Burke, Butler, Campbell, Coats, Cooper, Cox, Cutter, Everts, Flint, Hamer, Hunt of R., Jackson, Jamison, Jenckes, Jones, Judah, Lancaster, McGaughey, Montgomery, Morgan, O'Neill, Osborn of C., Parker, Robinson of J., Robinson of Ripley, Rush, Thompson, Wilson of M., Woodard and Zenor—36.

So the resolution was concurred in by the House.

Whereupon, the Speaker appointed Messrs. Fitch, Lane, Fisher, Judah and Butler the select committee on said resolution.

On resolution number 7, Mr. Morrison moved to concur with an amendment, changing the reference of the resolution from a "select" to the "committee on education,"

Which motion was decided in the negative.

Mr. Allison moved to concur in the resolution with the following instructions, viz:

"That the committee inquire into the expediency of authorizing a reorganization of the Board of Trustees and a new election of the same;"

Which motion was decided in the affirmative.

The resolution, as amended, was then concurred in by the House.

On motion,

The following resolution was adopted, to-wit:

Resolved, That when the House next adjourns it will adjourn to meet on Monday next at nine o'clock, A. M.

The House then adjourned.

MONDAY MORNING, DECEMBER 9, 1839.

The House met pursuant to adjournment.

The Speaker announced the appointment of the following select committees, on resolutions adopted on the Governor's message, to wit:

On the resolution, in reference to the Cumberland road, Messrs. M'Gaughey, Sweetser, Jenckes, Zenor, and Garrigus.

On the resolution in reference to the resolutions of Maine, New-Jersey, &c., Messrs. Cooper, Robinson of J., Lancaster, Fisher, and Wilson of M.

On the resolution in reference to the State University, Messrs. Cutter, Henly, Lane, Campbell, and Monroe.

The Speaker laid before the House the report of the Indianapolis branch of the State bank of Indiana;

Which was referred to the committee on the State Bank.

The Speaker also laid before the House the report of the commissioners of the sinking fund;

Which was referred to the committee of ways and means.

A message from the Senate by Mr. Test their secretary:

MR. SPEAKER.

I am directed by the Senate to inform the House of Representatives that the Senate has passed an engrossed joint resolution No. 4. of the Senate entitled

"A joint resolution relative to the duty of the enrolling clerks of the two Houses of the General Assembly."

In which the concurrence of the House is respectfully requested.

The joint resolution, No. 4, mentioned in the message, was read the first time and passed to a second reading on to-morrow.

Mr. Warriner the representative from Porter and Lake, now appeared, produced his credentials, was sworn into office by Caleb Scudder, Esq., and took his seat as a member of this House for the present session.

Mr. Osborn of F. presented the petition of George M. Miller and Reuben Jerman to vacate the town of Bath;

Which was read and referred to a select committee of Messrs. Osborn of F., Osborn of U., and Bennet.

Mr. Albertson presented the petition of H. R. Stewart, R. A. Clements & Co., Luce, and Hargrave, M'Bay and Gallagher, and Robert Logan, contractors on the Southern division of the central canal, praying for an indemnity and relief on their contracts;

Which was referred to the committee on canals and internal improvements.

Mr. Allison presented the petition of Charles Shelton and others praying amendments to the militia law of this State;

Which was referred to the committee on military affairs.

Mr. Atherton presented the petition of John Tucker, N. Berry and others, for a State road, commencing at the east end of E. Gustin's lane, in Madison county, to Middletown in Henry county;

Which was read and referred to a select committee of Messrs. Atherton, Cogswell, and Johnson.

Mr. Farley presented the petition of Philo Hyde, George M'Intosh and others, praying for an additional justice of the peace for the town of Manhattan in Putnam county;

Which was referred to a select committee of Messrs. Farley, M'Gaughey, and Clark.

Mr. Flint presented the petition of Elisha Chapman, James W. Chapman and others, for an additional justice of the peace for the town of New London in Daviess county;

Which was referred to a select committee of Messrs. Flint, Bell and Cutter.

Mr. Clark presented the petition of Gen. John J. Meacham and others, on the subject of the Militia of this State;

Which was referred to the committee on military affairs.

Mr. Stewart presented the petition of William T. Spurrier, Edward Stokes and Sophia Stokes, praying for relief;

Which was read and referred to the committee on canals and internal improvements.

Mr. Parker presented the petition of James Puntenev and Alexander Russell, contractors on different lines of the public works in this State, praying relief;

Which was referred to the committee on canals and internal improvements.

Mr. Bowles presented the petition of Samuel Brown and others, praying for the location of a State road from Paoli in Orange county to Troy in Perry county;

Which was referred to the committee on roads.

Mr. Rippey presented the petition of James Cook and others, praying for a more uniform mode of doing township business in the county of Elkhart.

Which was referred to a select committee of Messrs. Rippey, Wheeler, and Warriner.

Mr. Wilson of M. presented the petition of sundry citizens of the counties of Cass and Miami, for the location of a State road therein named;

Which was referred to a select committee of Messrs. Wilson of Miami, Shiveley, and Thompson.

Mr. Morgan presented the petition of J. W. White, Samuel Seward, and others, praying relief to James Houston of Rush county, who has been indicted for retailing spiritous liquors;

Which on motion, was referred to the committee on the judiciary.

Mr. Haddon presented the petition of William Alsop and others,

citizens and trustees of a school district in Sullivan county, praying that the proceedings of the trustees of said district may be legalized;

Which was referred to a select committee of Messrs. Haddon, Davis, and Cox.

Mr. Fitch presented the petition of sundry citizens of Cass county, praying a repeal of the law taxing canal lands;

Which was referred to the committee on ways and means.

Mr. Bennet from the committee on claims, made the following report:

MR. SPEAKER—

The committee on claims to which was referred a resolution of the House allowing a compensation to James Fisler for his services as door-keeper on the first day of the present session, have according to order had that under their consideration and have directed me to recommend the adoption of the following resolution, viz:

Resolved, That the committee of ways and means be directed to allow in the specific appropriation bill the sum of three dollars as a compensation for said services;

Which report was read and concurred in by the House.

Mr. Garrigus moved that the resolution, on the subject of newspapers, be taken from the table;

And the ayes and noes being requested on that motion,

Those who voted in the affirmative were:

Messrs. Allison, Atherton, Baker, Berkshire, Bowles, Carlton of L., Clark, Cutter, Davis, Eccles, Everts, Fisher, Fitch, Flint, Garrigus, Haddon, Hamer, Hull, Hunt of R., Lancaster, Milroy, Monroe, Moore of O., Nelson of B., Osborn of U., Parker, Perviance, Porter, Robinson of J., Rush, Shields, Spann, and Wilson of W.,—33.

Those who voted in the negative were:

Messrs. Albertson, Arnold, Becket Bell, Bennet, Buckles, Burk, Butler, Campbell, Carleton of F., Coats, Conaway, Cooper, Cox, Dunn, Edmonson, English, Farley, Finch, Foster, Frisbie, Hamblen, Henly, Herriman Hunt of J., Jackson, Jamison, Jenckes, Johnson, Jones, Judah, Lane, Lanius, Lee, Long, M'Coy, M'Gaughey, Miller, Montgomery, Moore of V., Morgan, Morrison, Nelson of M., O'Neill, Osborn of C., Osborn of F., Perry, Rippey, Robinson of R., Robinson of Rush., Sands, Shiveley, Southard, Stewart, Sweetser, Thompson, Wariner, Wheeler, White, Wilson of M. Woodard, Worster, Zenor, and Speaker—64.

So the resolution was not taken up.

On motion of Mr. Everts,

Resolved, That so much of the Governor's message as relates to

again taking the census of the State be referred to the committee on the judiciary.

On motion of Mr. Miller,

Resolved, That the committee of ways and means be instructed to inquire into the expediency of authorizing the several boards doing county business to require from collectors of the state and county revenue, bonds in double the amount by them to be collected; with leave to report by bill or otherwise.

On motion of Mr. Farley,

Resolved, That the committee on the judiciary be instructed to inquire into the constitutionality of so much of an act entitled "an act concerning vagrants," approved February 17th, 1838, as relates to persons above the age of twenty-one years.

On motion of Mr. White,

Resolved, That the committee on the State bank of Indiana be instructed to prosecute a strict inquiry into any and all complaints that may be made to them against the State bank of Indiana and branches, or against any of its officers; and for this purpose they are hereby authorized to send for persons, books and papers.

On motion of Mr. Long,

Resolved, That the committee on canals and internal improvements inquire into the expediency of directing the board of internal improvement, on all the lines of public works, where they have suspended operations, that in their settlement with contractors they shall estimate and settle for the whole work done, including the percentage commonly kept back until the completion of the work.

On motion of Mr. Shields,

Resolved, That the committee of ways and means be instructed to inquire into the expediency of having copies of the laws of the State of Indiana published in the German language for distribution in the several counties in this state; with leave to report by bill or otherwise.

Mr. Cutter offered for adoption the following resolution, to wit:

Resolved, That the judiciary committee be instructed to inquire into the expediency of so amending the laws of this state as to exempt mechanical tools and farming utensils from execution in addition to the amount already exempted, provided the same shall not exceed in value the sum of fifty dollars; with leave to report by bill or otherwise.

On the question, shall said resolution be adopted, it was decided in the negatives.

On motion of Mr. Foster,

Resolved, That the committee on roads be requested to inquire into the propriety of so amending the road law, as to require those subject to work on roads to work a definite number of days in each year for personal privilege.

Mr. Cooper offered for adoption the following resolution:

Resolved, That the public printer be instructed to print one thousand copies of the Journal of this House and five hundred copies of the documentary journal, and it shall be the duty of the Secretary of

State to prefix a full and complete index to both, for which he shall receive fifty dollars;

Which resolution was laid upon the table.

On motion of Mr. Fisher,

Resolved, That the committee, to whom was referred so much of the Governor's message, as relates to Clay's land bill, be instructed to inquire into the expediency of instructing our Senators and requesting our representatives in Congress to advocate the passage of Calhoun's land bill or some other land bill.

On motion of Mr. Wilson of Miami,

Resolved, That so much of the Governor's message as refers to the settlers on lands selected for the Wabash and Erie canal be referred to the committee on canals and internal improvements.

Mr. Fitch offered the following resolution:

Resolved, That the committee on canals and internal improvements, be instructed to inquire into the expediency of reporting a bill to the House, providing for an entire separation of the Wabash and Erie canal proper, and its funds from the system of 1836; of electing a commissioner for that canal exclusively, whose duty it shall be to superintend the sale of its lands, the management of its funds, and the completion of the canal as soon as practicable; and that the committee be further instructed to inquire into the expediency of issuing State bonds or scrip, payable or redeemable at the expiration of the term of credit upon which the canal lands were or may be sold, and pledging the lands sold and to be sold, the canal tolls and profits, for their payment or redemption. The proceeds of which bonds or the scrip shall be applied exclusively to the completion of that canal, and the payment of debts now due contractors for work performed on it; and which bonds or scrip shall be receivable in payment of debts now due, or which may hereafter become due to the State for interest or principal on canal lands, and in payment of tolls and other profits on the Wabash and Erie Canal.

Mr. Carleton of Fountain, moved that the resolution be indefinitely postponed,

And before any action thereon, the House adjourned until two o'clock, P. M.

Two o'clock P. M.

The House met pursuant to adjournment.

Mr. Cutter introduced a joint resolution, No. 5, instructing our Senators and requesting our Representatives in Congress, to use their exertions to repeal the duty on salt;

Which was read the first time and passed to a second reading on tomorrow.

Mr. English introduced a bill, No. 6, for the relief of the heirs of Robert Meek, deceased;

Which was read the first time and passed to a second reading on tomorrow.

Mr. Everts introduced a bill, No. 7, providing for a uniform mode of ascertaining the weight of certain quantities of grain, &c.;

Which was read the first time and passed to a second reading on to-morrow.

Mr. Osborn of Franklin introduced a bill, No. 8, to recover the value of sheep killed by dogs;

Which was read the first time and passed to a second reading on to-morrow.

Mr. Butler introduced a bill, No. 9, to charter the Evansville Rifle company;

Which was read the first time and passed to a second reading on to-morrow.

Mr. McGaughey introduced a bill, No. 10, for the relief of Westley White, late collector of Putnam county, and his securities;

Which was three times read and passed—the rule being suspended.

Mr. Hull introduced a bill, No. 11, for the relief of the collector of Fayette county;

Which was read the first time and passed to a second reading on to-morrow.

Mr. Hunt of R. introduced a bill, No. 12, to change the time of holding courts in the eleventh judicial circuit;

Which was read the first time and passed to a second reading on to-morrow.

Mr. Cogswell introduced a bill, No. 13, to change the name of Levina Fallis;

Which was read the first time and passed to a second reading on to-morrow.

Mr. Robinson of J., introduced a bill, No. 14, to incorporate the Columbus Saving's Institution,

Which was read the first time and passed to a second reading on to-morrow.

The House now proceeded to the consideration of the orders of the day.

Bill of the House, No. 1, to abolish imprisonment for debt was read a second time; when

Mr. Bell moved that it be laid on the table, and 100 copies be printed for the use of the House.

A division of the question being called for, the question was put on laying the bill on the table, and decided in the affirmative.

On the question to print 100 copies of the bill, it was decided in the affirmative.

Bill of the House, No. 2, was read the second time; and

On motion of Mr. Sweetser,

Committed to the committee on the judiciary.

Bill of the House No. 3, to change the name of Harvey Slocum of Jefferson county;

Was read a second time, and ordered to be engrossed for a third reading on to-morrow.

Bill of the House, No. 4, to declare a certain county road therein named a State road, in the county of Henry;

Was read the second time, and ordered to be engrossed for a third reading on to-morrow.

Mr. Cooper moved that the proceedings of the Cumberland road convention held at Terre Haute in July last, accompanying the Governor's message, be referred to the select committee heretofore appointed on that subject;

Which motion was decided in the affirmative.

Mr. Cooper also moved that the joint resolutions of the Legislatures of Maine, New Jersey, North Carolina and Missouri, on the subject of the public domain, accompanying the Governor's message, be referred to the select committee on that subject;

Which motion was decided in the affirmative.

On motion of Mr. Allison,

Resolved, That the select committee to which was referred so much of the Governor's message as relates to Dr. Wylie and the State University be instructed, if they find it necessary, in their investigation of the affairs of the institution, to send for persons and papers; and to report to this House the result of their investigation, at as early a day as practicable.

On motion of Mr. Rush,

Resolved, That so much of the Governor's message as relates to the extent of commerce of northern Indiana and the speedy completion of the harbor at Michigan City, be referred to a select committee of three.

Messrs. Rush, Everts and Herriman were appointed the committee.

Mr. Henly introduced the following resolution, to-wit:

Resolved, That the fund commissioners, be requested to lay before this House a tabular statement of the bonds sold for internal improvement purposes, specifying the time of sale and to whom sold, at what rate of interest the loans have been made, what amount of the same has been received by them; what amount remaining unpaid, and what amount will probably be lost to the State. Also, the names of the fund commissioners, respectively, who made the different loans.

Mr. Morrison moved to strike out the resolution from the resolving clause and insert the following:

"That a select committee of five be appointed, whose duty it shall be to ascertain and report to this House, at an early day, a plain and full statement of the public debt of this State; the object for which the several loans have been contracted; the purposes to which they have applied; the amount which has been received; the balance yet due the State; the names of the persons and institutions from whom money is due, the amounts from each respectively, and the securities—together with the actual value of all property acquired by the State in payment of bonds sold; with power to send for persons and papers, and with leave to report by bill or otherwise;

Which motion was decided in the affirmative.

The resolution, as amended, was then adopted.

Messrs. Henly, Morrison, Long, Fisher and Spann were appointed the committee.

Mr. Cutter offered for adoption the following resolution:

Resolved, That the committee on the judiciary be instructed to report a bill, amending the law regulating the jurisdiction of justices of the peace, so as to extend their jurisdiction in actions of trespass and replevin to one hundred dollars.

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Allison, Arnold, Burk, Butler, Conaway, Cox, Cutter, Davis, Everts, Flint, Frisbie, Hamer, Hamblen, Hunt of J., Hunt of R., Jenckes, Johnson, Jones, Lane, Lancaster, Lanius, Long, McCoy, Miller, Milroy, Monroe, Montgomery, Moore of O., Moore of V., Morgan, Morrison, Osborn of C., Parker, Perry Perviance, Porter, Robinson of Rush, Rush, Shields, Southard, Stewart, Sweetser, Thompson, Warriner, Wheeler, White, Wilson of W. and Mr. Speaker—48.

Those who voted in the negative were:

Messrs. Albertson, Atherton, Baker, Becket, Bell, Bennet, Berkshire, Bowles, Buckles, Campbell, Carleton of F., Carlton of L., Clark, Coats, Gogswell, Cooper, Dunn, Eccles, Edmonson, English, Farley, Finch, Fisher, Fitch, Foster, Garrigus, Haddon, Henly, Herriman, Hull, Jackson, Jamison, Judah, Lee, McGaughey, Nelson of B., Nelson of M., O'Neill, Osborn of F., Osborn of U., Rippey, Robinson of J., Robinson of Ripley, Sands, Shiveley, Spann, Wilson of M., Woodward Worster and Zenor—50.

So the resolution was not adopted.

Mr. Sweetser moved to take from the table, the resolution offered on Tuesday last, by the gentleman from Cass, in relation to the board of internal improvement, engineers, assistants, &c.;

Which motion was decided in the affirmative.

The resolution was then adopted.

On motion of Mr. Robinson of Ripley.

Resolved. That a select committee, consisting of one member from the counties of Shelby, Decatur, Ripley and Dearborn be appointed, whose duty it shall be to examine and report to this House, what measures, if any, can be adopted, for the purpose of rebuilding the bridge across Laughery creek, in Ripley county, where the State road, leading from Lawrenceburgh in Dearborn county to the city of Indianapolis in Marion county crosses said Laughery creek; and that they have leave to report by bill or otherwise.

Messrs. Robinson of Ripley, Jamison, McCoy and Conaway were appointed said committee.

Mr. Bowles moved that the resolution offered by him on the 4th

inst. and laid on the table, on the subject of free banking be now taken up.

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Bowles, Campbell, English, Fitch, Hunt of J., Jackson, Jamison, Lane, M'Gaughey, Nelson of B., Perry, Robinson of J., Robinson of Rush, Sands, Southard, Spann, and Mr. Speaker.
—18.

Those who voted in the negative were:

Messrs. Albertson, Allison, Arnold, Atherton, Baker, Becket, Bell, Bennet, Berkshire, Buckles, Burk, Butler, Carleton of F., Carleton of L., Clark, Coats, Cogswell, Conaway, Cooper, Cox, Cutter, Davis, Dunn, Eccles, Edmonson, Everts, Farley, Finch, Fisher, Flint, Foster, Frisbie, Garrigus, Haddon, Hamer, Hamblen, Henly, Herriman, Hull, Hunt of R., Jenckes, Johnson, Jones, Lancaster, Lanius, Lee, Long, M'Coy, Miller, Milroy, Monroc, Montgomery, Moore of O., Moore of V., Morgan, Morrison, Nelson of M., O'Neill, Osborn of C., Osborn of F., Osborn of U., Parker, Perviance, Porter, Rippey, Robinson of Ripley, Rush, Shields, Shiveley, Stewart, Sweetser, Thompson, Warriner, White, Wilson of M., Wilson of W., Woodard, Worster, and Zenor—79.

So the resolution was not taken up.

On motion of Mr. English,

Resolved, That the Judiciary committee be instructed to inquire into the expediency of establishing Probate Circuits for the transaction of probate business; and that they have leave to report by bill or otherwise.

On motion of Mr. Hull,

Resolved, That the board of internal improvement be directed to report to this House, what amount of the defalcation of David Burr, late one of the members of said board, remains unpaid, and whether any measures have been taken to secure its collection.

Mr. Southard offered for adoption the following resolution:

Resolved, That the committee on the judiciary be instructed to inquire of the proprietors of the Journal and Democrat, whether a bona fide contract has been made with them by the door-keeper of this House, for three copies each of their respective papers for the use of each member and officer of this House, during the present session, and report at as early a day as convenient.

Mr. Henly moved to strike out the words, "proprietors of the Journal and Democrat;" which motion was decided in the affirmative.

Mr. Hunt of Jefferson moved to strike out of the resolution the words "judiciary committee;" and insert "select committee of three;"

which amendment was adopted.

Mr. Fisher moved to lay the resolution on the table;

Which motion did not prevail.

Mr. Robinson of J., moved to amend, by inserting after the words "*bona fide*," the words "or implied;" which amendment was not adopted.

The resolution as amended was then adopted.

Messrs. Southard, Butler, and Carlton of L. were appointed the committee, in pursuance of the resolution.

On motion,

The House adjourned until to-morrow morning at nine o'clock.

TUESDAY MORNING, DECEMBER 10, 1839.

The House met pursuant to adjournment.

The Speaker laid before the House the annual report of William Polke, commissioner on the Michigan road, and accompanying documents;

Which were referred to the committee on roads.

Mr. Zenor presented the petition of David Brown and others, praying that the law, passed in 1837, for the location of a State road leading from the mouth of Salt river, to Corydon in Harrison county may be revived;

Which was referred to a select committee of Messrs. Zenor, Sands, and Albertson.

Mr. Johnson asked leave of absence for Mr. Southard, on account of sickness;

Which was granted by the House.

Mr. Fitch presented the petition of sundry citizens of Cass, White, Pulaski, and Jasper, for a certain State road;

Which was referred to the committee on roads.

Mr. Garrigus presented the petition of Joseph Cahill and others, in relation to the management of a certain school section in Parke county;

Which was referred to a select committee of Messrs. Garrigus Clark and Farley.

Mr. Wheeler presented the petition of sundry citizens of the three mile strip in Wabash county, praying for the formation of a new county;

Also, several petitions of citizens of Kosciusko county, praying for a division of said county;

Also, remonstrances against said petitions;

Which were severally referred to a select committee of Messrs.

Wheeler, Wilson of M., Rippey and Shiveley, to consider and report thereon.

Mr. Fisher, from the committee to which was referred the subject of public printing, made the following report, to wit:

The Select Committee, to whom were referred a resolution of the House to inquire whether there is now any printer to the House, ask leave respectfully to

REPORT:

That they consider a printer of the House an officer, because he is elective. They consider his functions too to be very important, since upon his promptitude and fidelity to his trust, the publication of the laws of the land depends. The qualifications for this office are peculiar, and the motives weighty that operate in deciding between candidates. A man, therefore, who is elected to such office, is bound to perform the duties of it, on fulfilment of those views of the House under which he received their vote. For in the election of all officers the electors contemplate many other guarantees for the discharge of a trust, besides the bond and security usually required where pecuniary functions are involved. A delay, an omission, or a misprint of the laws for instance, might be attended with consequences for which no bond could indemnify the State. Accordingly it is the duty, and we are to presume it is the practise of the House in its election of printer, to secure a person who combines the greatest amount of qualification. And since the office is one of honor as well as profit, it may be regarded as one of the few means of patronage possessed by the House, for the encouragement of merit, and particularly for the promotion of knowledge and learning, which is indeed the constitutional duty of the legislature. In so far, therefore, as the question of favor is concerned, a man who becomes the recipient, is bound in good faith to maintain the same relation by which his election was induced—and in so far as the question of qualification is involved he is bound in justice and in law, to retain unimpaired by any voluntary act of his own, particularly a pecuniary bargain, the same standard of fitness and capability, which was presented to the House for its suffrages.

Chamberlain and Osborn, then, publishers and proprietors of a newspaper, called the *Indiana Farmer*, were elected printers for the House in the session of 1837—8, to commence their duties in the session following. Before that session arrived, however, the firm was changed to Osborn and Willets: Chamberlain having sold out his interest, as it seems, both in the press and the public printing to Willets.—Chamberlain, indeed, now insists that he only sold the privilege of printing for the House, by which he would seem to mean, the advantage to that office of being selected or preferred, to perform a heavy and responsible job, and the repute resulting therefrom; whilst he

could insist that he still retained the superintendence of the work.— This view of the matter, however, is completely at variance with some important facts. The bills for the printing were made out in the name of Osborn and Willets, whose imprint was likewise on the public documents as public printers. This is, indeed ascribed to a mistake of the foreman of that firm,—but such a mistake could not, probably have been made, repeated, and left uncorrected, if Chamberlain had been superintending, as public printer, contemplated by law. He would not have forgotten the insertion of his own name.— Furthermore it is testified by Willets and by his assignee, Underhill, that Chamberlain received a consideration, (less than an hundred dollars,) from Willets when he became the printer; and recently, that Chamberlain agreed to pay Willets one hundred and fifty dollars, in consideration of the relinquishment by Willets, and the resumption by Chamberlain, of the public printing. Chamberlain, indeed, contends that Willets or his assignee insisted on this payment, and intimates that he consented to it to avoid controversy. But he himself confesses that he resisted payment to Willets, on the ground that he had not received, originally, the price which Willets had stipulated to pay him; thus acknowledging a transfer for a valuable consideration.— Nor will it answer to say that the amount was too small to be considered the price of the job, but must be regarded as a mere bonus paid for having the work done in that office. It seems, there was a purchase made of Chamberlain's share of the establishment by Willets, and in the price paid for that, the value of the public printing was reckoned.

This view of the transaction is corroborated by Osborn's case. Some time after Willets had purchased out the interest of Chamberlain, he bought that of Osborn, (in the establishment of the Indiana Farmer,) and allowed him more than \$500 for the public printing. It seems that the press had been unprofitable in the hands of Osborn & Willets, and in making the purchase of Osborn's interest, Willets considered that the public printing was an appurtenance to the concern, to the property, not to the person of Osborn, and enhanced the value of that property more than \$500, for which he was accordingly allowed. If, therefore, Osborn was allowed that much for his share of the public printing, after the purchase had been made of Chamberlain, and when of course, as there was less work to do, the job was less valuable, it is reasonable to conclude that Chamberlain was allowed not merely the sum, (less than an hundred dollars,) which is admitted as expressly understood, but much more that was included by implication, in the price of a losing establishment,—the public printing being an offset in the estimate of the value of a losing concern.

Osborn & Chamberlain had, then, both transferred their interests to Willets, for money. But they now contend it was not an assignment of the public printing, but only the privilege of doing the work. This is evidently a distinction without a difference. Willets could not have given Osborn a bonus of more than 500 dollars, for the mere privilege of having the work done at his office. neither could he have

purchased a losing concern of Chamberlain, and paid him a sum of money besides, for his share of such privilege. Nor is it reasonable to consider either of them as superintendents of the work. Osborn, on his retirement from the concern, leaves the place to reside in another county, whilst Chamberlain, whose oversight was such as to permit his own name to disappear from the bills and title page of the public documents as public printer, does not appear again to the public eye, until Willets became unwilling to proceed with the business of the establishment. He, then, knowing the work to be profitable, steps forward, but is required, as the condition of resuming his functions, to pay Willets for the relinquishment of his unexpired time. And he agrees to it.

He then finds somebody else to do the printing whilst he receives, as he states, exclusively all the profits arising from the work, after allowing those whom he employs a regular compensation for the labor. If he has not, as he contends, alienated his right to the public printing, then Osborn has not. Yet Chamberlain receives all the profit, exercises the superintendence, and Osborn is as if he were not, although he professes to be yet the public printer, with Chamberlain as his agent. But if he and Osborn have devoted themselves of the office, by selling their respective interests at different times, for sums of money, and retiring from the duties of the office, first one and then the other, neither can, after a lapse of time from the relinquishment of both, reassume those functions. The trust thus abandoned returns to the body whence it emanated, after having been made a matter of merchandize, in contravention of its nature, and of the intention of those by whom it was delegated.

If the public printing were executed by mere contract, the course of these parties would be justifiable. But a public contract is usually, after the publication for proposals, taken by any person who can furnish evidence merely of pecuniary responsibility. But in the election of an officer like this, a multitude of other considerations prevail. Besides the bond and security given in this as well as in many other offices, the State relies on character and circumstances, and may aim to promote merit, reward public service, and sustain the public press. If the duty and emoluments of this office can be transferred at pleasure, then it would be sought for temporary speculation, and might be assigned to persons not considered by the House as responsible, worthy, or eligible. The work might be done in another State, or even in an alien land, and be liable to interruption, delay, or mistake, for which the bond would be no indemnity. It does not affect the question at all to contend that no default has yet occurred. This is not attributable to the fidelity of the parties. And it is the duty of the House, when it perceives a departure from the implied conditions of public service, and a decrease of the customary guarantee, to prevent default.

It is competent in the House to decide whether the office is vacant. For although the election of printer is provided for by law, yet as the printer of the House is an officer of the House, he is by the Constitution subject to its special control. He is not properly an officer of

the state and removable only on impeachment but being elected by the House, he is, from the silence of the law and the necessity of the case removable by it. Certainly the House is competent to decide from the facts whether the office has been vacated or it might be paralyzed in its vital function by the delinquency of a single individual, with no remedy for years, but a pecuniary penalty, inflicted on his security.

It is gratifying to the committee to reflect that the House in asserting its own rights on this occasion and protecting the interest of the state, will inflict no injustice on the parties concerned—Osborn sold his interest doubtless for the whole unexpired time of the office for more than five hundred dollars to Willets, who had before purchased that of Chamberlain. Osborn, therefore, has no right of reclamation. Willets becomes, by pecuniary embarrassment unable to proceed with the labor, and unable to avail himself of the profits of the job.—Chamberlain comes forward to resume it, but does not repay to Willets as much as he originally received from him, for his interest or privilege. Neither Chamberlain or Osborn can, therefore, be considered losers, for it is perfectly clear that if Willets had not been overtaken by pecuniary embarrassment, but had gone on with his printing establishment to the conclusion of the term for which those printers were elected, neither of them would have had any further agency either in performing the duties or receiving the emoluments of the office. They cannot reasonably or justly claim any thing upon such a contingency as Willets' embarrassments in business—they cannot set up such a claim to bar the House against more effectual prevention against the evils that threaten it and the state from such precarious arrangements for the public printing.

The committee annex the testimony taken in this case, marked A, and offer the following:

Resolved, That there is now no rightful printer to this House.

ELLWOOD FISHER, Ch'm.
W. W. McCOY,
A. L. WHEELER.

A.

W. J. Brown, sworn.

Question. Do you know whether Chamberlain and Osborn gave bond for the performance of their duties as printers to the House of Representatives of Indiana?

Answer. Yes they did.

Question. Did they as such proceed to discharge their duties to the House?

Answer. Osborn and Willets did the printing?

Question. How long did they continue.

Answer. Until April 1839. The bill was made out against the state in the name of Osborn and Willets, as state printers.

Question. Has there been any transfer of the public printing?

Answer. Mr. Chamberlain has frequently told me he had sold out his interest in the printing office.

Question. Did he ever say any thing about transferring his interest in the state printing?

Question. I don't know that he did.

Answer. Is Osborn now a recipient of the compensation for the state printing?

Answer. Mr. Osborn told me about the middle of July, he had sold out his interest in the whole concern. He then lived in Putnam county.

Question by Sweetser. Before the Legislature met, did Mr. Chamberlain present himself as state printer?

Answer. Mr. Chamberlain came to me to know what should be done, claiming to be state printer. I did not decide the question, but gave him the printing so far as I was concerned, and he has caused it to be done.

Question by Judah. In what manner has it been done. Has it been well done?

Answer. Yes, I think it has been well done, better than for two or three years.

Question by Sweetser. Have not the documents printed at the office of Stacy and Williams been better done than they ever were before in the state.

Answer. Better than any I have seen since I have been Secretary of State.

Question by McCoy. Have you regarded Chamberlain and Osborn as the printers of the House, or Mr. Willets?

Answer. I, as well as the other state officers, on a consultation, did not conceive it our province to decide.

Question by Judah. Did you not consider that whoever Osborn and Chamberlain employed to do the public printing, were authorized to do it?

Answer. I should have given it to them, until the question was otherwise decided.

Question by Mr. McCoy. Did you not suppose that, under the circumstances, under which Mr. Osborn left here, he had abandoned the state printing?

Answer. Mr. Osborn told me, Mr. Willets was to do the State printing. He Osborn, was not to have any thing more to do with it, and I looked then to Mr. Willets to do the printing.

Question by McCoy. Did Mr. Osborn tell you that he received any compensation for the public contract?

Answer. He did not.

Elijah Chamberlain, Sworn.

Question. When did Osborn and Chamberlain commence printing for the House of Representatives of Indiana?

Answer. We commenced about a year ago.

Question. How long did you continue so to print?

Answer. I, in connexion with Mr. Osborn, have done it, by Mr. Willets as my agent, for one year.

Question. Do you know whether Osborn ever sold out his interest in the public printing?

Answer. I understood that the profits of the printing were, by Mr. Osborn's agreement, to accrue to the benefit of Mr. Willets.

Question. Was there any compensation given by Willets to Osborn, directly or indirectly, for the privilege of doing the public printing, or was there any written contract between them?

Answer. None, that I heard or know of.

Question. When Osborn left here, or before, or since, what agreement was made between you and him, respecting the public printing?

Answer. None.

Question. Did you consider the public printing a lucrative job?

Answer. Moderately so; affording a fair compensation.

Question. When Osborn relinquished the printing, did he receive any compensation for it, either in a credit for debts owing, or otherwise?

Answer. I understand that Mr. Willets, in purchasing of Mr. Osborn his part of the printing establishment, of which they were joint proprietors, was to receive the profits of the printing, and the debts due the firm, as a consideration for paying the debts of the establishment; it being the supposition that the establishment was more in debt than the sums due it.

Question by S. During the time Osborn and Willets were performing the public printing, who were the owners of the press and materials?

Answer. Osborn and Willets.

Question by do. Who superintended that printing?

Answer. Myself, Osborn & Willets.

Question by do. During the printing this year, who superintended it?

Answer. Myself.

Jacob Willets sworn.

Question. Do you know any thing about the transfer of the public printing, by Osborn or by Chamberlain?

Answer. I purchased of Osborn his interest in the Indiana Farmer and book publishing business, as well as the privilege of the public printing. I gave him at least five hundred dollars more in considera-

tion of the public printing being included, than I would have done without it.

Question. Where has Osborn resided during the public printing of this session?

Answer. In Putnam county, about thirty miles from this place, he has resided for the last six months.

Question. By Sweetser. During the time of the public printing last year, who were the owners of the office?

Answer. Osborn and Willets.

Question. What kind of printing was carried on in the office?

Answer. We printed the Farmer, Temperance Advocate, and job work, besides the public printing.

Question. Who received the profits of the public printing last year?

Answer. Osborn & Willets.

Question. Did Osborn at any time sell out his interest in that establishment to you?

Answer. He did, some time in May last.

Question. In that sale, did he contract with you to perform the public printing for him and Chamberlain, as they were bound in that contract?

Answer. That was the understanding.

Question. Who superintended the printing last year?

Answer. Osborn and myself, all of the time, and Chamberlain part.

Question. Did you dispose of your interest in that press?

Answer. Yes.

Question. What time?

Answer. Some time in the month of August last.

Question. Have you done any of the printing this year?

Answer. I have not.

Question. Did Osborn and Chamberlain, or either of them, ever transfer, or attempt to transfer, the right of doing the public printing?

Answer. Not at all, to my knowledge.

Question. What station did you hold under them when you did it.

Answer. As their agent.

Question. How came the bill, against the State, to be made out in the name of Osborn and Willets?

Answer. Our foreman was a stranger and the job was charged on the books of Osborn and Willets to the State.

Question. How came the name of Osborn and Willets to be on the public documents, as printers of the State?

Answer. Owing to a mistake of our foreman.

Question. At the time you purchased out Osborn's interest in the establishment, did he, Osborn, pay you a consideration to do the public printing thereafter?

Answer. I can't say he did; because whoever did the printing was, according to the understanding, to look to the State for payment. There was an agreement to do the printing.

Question. Have you not since become unable to perform that agreement?

Answer. Yes.

Question by McCoy. If the public printing had not been connected with the establishment, would you have purchased Osborn's interest in it?

Answer. I think I should; though that was one consideration in it.

Question. Then it was not in consideration of the public printing, that you purchased it?

Answer. No.

Question. On your relinquishment of the public printing, how did Stacy and Williams become the printers?

Answer. I know not.

Question. Whilst you were doing the work as agent of Osborn, who was the agent of Chamberlain?

Answer. I considered myself the agent of both, and did the work as my foreman did—performed part of the manual labor and received pay for it.

Question. You say that in purchasing the interest of Osborn in the Indiana Farmer, you allowed him at least five hundred dollars for his interest in the public printing. Did Chamberlain at that time possess or receive any thing for his interest?

Answer. He did not at that time; he had received something before.

Question. Mr. Willets, have you stated you bought out his interest in the public printing any where?

Answer. I have not intended to state it any where.

Question. If, in giving Osborn at least five hundred dollars more for his interest in the establishment of the Indiana Farmer, in consequence of thereby acquiring the right to do the public printing than you would otherwise have done; you did not allow him at least that sum for his interest in the public printing—for what did you allow it to him?

Answer. For the privilege of doing the work and receiving the pay for it.

Question. Was it the agreement between you, that he could at any time, or on his own judgment, resume the job himself, or give it to another?

Answer. He or Chamberlain was to have the superintendence of it.

Question. You say that, prior to the time you purchased out Osborn, Chamberlain had received some compensation for his interest in the public printing. What was that compensation?

Answer. Less than one hundred dollars, I allowed Chamberlain as well as Osborn, for the privilege of doing the public printing as a job at the office.

Question. Was not the public printing a part of the consideration which induced you in the first place to purchase of Chamberlain, and a part of the consideration in the second place in purchasing of Osborn their respective interests in the Indiana Farmer?

Answer. Not in the first place. But of Osborn it was a part in consequence of the business of the office.

John Wood.

Knows nothing about it.

Robert Underhill.

Question. Will you state to the Committee what you know about any transfer of the public printing by Chamberlain and Osborn, or either of them, to any other persons?

Answer. I don't know of any transfer at all.

Question. Did you ever hear Chamberlain or Osborn state that he had parted with his interest in the public printing?

Answer. Never did.

Question. Do you know any thing about this matter at all?

Answer. I know I am bondsman for Osborn and Chamberlain.

Question. Did you ever understand from either Chamberlain or Osborn, that either had received any thing for transferring the public printing to any body else?

Answer. I have conversed with Chamberlain, and he denied ever having transferred the public printing, or received any thing for it. I never heard Osborn say a word on the subject.

Question. Who are the assignees of Willets?

Answer. Myself and Daniel Yandes.

Question. In the assignment of his assets, was the public printing a part?

Answer. There was no assignment of any public printing.

Question. Was the privilege by him possessed, used by him directly, or through you, as a pecuniary advantage?

Answer. In settling with Chamberlain, I charged him one hundred and fifty dollars, in consequence of relinquishing to him, for Willets, the privilege of resuming the public printing. He disputed the charge. We were going to refer it—and he then allowed it, and gave his note for the amount.

Question. In negotiating with Chamberlain, how much did he admit receiving for the original relinquishment?

Answer. He denied ever getting a cent. He was to have received something, he said, but never got the pay.

Question. by McCoy. Did you ever express to Mr. Chamberlain any apprehension that the public printing would not be performed after passing out of his hands.

Answer. Not to my recollection.

William Stacy, sworn.

Question. Are you one of the printers now of the public printing?

Answer. I am doing the work.

Question. By what authority?

Answer. As Osborn and Chamberlain's agent.

Question. What is your agreement?

Answer. Our agreement, is that we are to receive about forty-five cents per 1000 ems.

Question. Do you make out the bills against the State?

Answer. No; I look to Chamberlain as the acting party of Osborn and Chamberlain.

Question. Is this contract liable to be annulled by him at any time.

Answer. We are to do the work well; and in case of default, of which it is not agreed who is to judge, it may be annulled at any time? If the State complain, then he has a right to take it from us.

Question. What does Chamberlain charge the State for the printing done?

Answer. He charges the State 62½ cents per 1000 ems.

Question. What is the function of Chamberlain now in this business?

Answer. He superintends the whole affair. I assist him in reading the proofs.

Chamberlain.

Question. Do you receive the whole of this compensation for the printing?

Answer. After paying all the expenses, I expect to receive the profits, if there be any.

Daniel Yandes.

Nothing of consequence.

Underhill.

Question. Were you apprehensive, at any time, lest you might become liable to the State, in consequence of the transfer from Chamberlain?

Answer. I never was uneasy at all about it.

Question. Before you got this note from Chamberlain, whether you threatened to sue it?

Answer. No, I had not, but agreed to refer it to lawyers; but they being absent, we settled it ourselves.

Mr. Sweetser, from a minority of the above mentioned committee, also reported as follows, to-wit:

The undersigned, the minority of the committee to whom was referred the resolution of this House, relative to the public printing thereof, beg leave respectfully to

REPORT:

That they do not consider the public printer of this House, to be a State officer; but as a contractor to the State, to perform certain ministerial duties, for the performance of which he gives bond and security, as required by law. That he stands in an attitude to the State similar to a contractor to furnish wood for the State, or to distribute the laws and journals. They find from the evidence, that the printing for the House, at their last session, was done under the immediate supervision of either Osborn or Chamberlain, or both, and was done to the acceptance of the Secretary of State. That before and during the present session, it has been done, and is doing under the supervision of Chamberlain, and in a style superior to any public documents that have heretofore been printed in the State. That they have kept and fulfilled their contract thus far; and that the State has no right to annul the said contract on her part, without doing manifest injustice, so long as there is no default on the part of Osborn and Chamberlain, who are residents of the State.

A great emergency may arise, when a State, from necessity, may annul a contract on her part; but then she is bound, by every principle of justice, and also by our constitution, to make compensation; and the undersigned do not believe that the printing of the House of Representatives, for two years, is such an emergency as will justify the State in violating her contract, either with or without compensation.

Secondly. If it be conceded, that the printer to this house is an officer of State, in contemplation of the laws, the undersigned do not conceive there is a vacancy, nor that he can be removed, except by impeachment, so long as he claims to hold the office. At any time when there was printing for this House to be done, has either Osborn or Chamberlain, in person, at the seat of government, if that is required, failed to superintend the printing in person; and performed it to the acceptance of the most critical? How then can a vacancy occur, when the incumbent has at all times been present, when necessary, and personally in the discharge of his duties! An office itself is not assignable, nor has any attempt been made by Osborn and Chamberlain to assign their office. But the ministerial duties of any office may be done by a substitute. A Sheriff, or clerk, may perform all his duties by substitute, and they may give the whole profits of their office to such substitute, or he may make such bargain as he can; he being responsible for the performance. The printer to this House must of necessity employ substitutes, as no one man, nor two, can do all the labor, in the time required. The principal must of necessity select

his agents, and who they shall be, or how many, or what part they shall perform, or whether all or not, so that the contractor or officer, if that term is proper, is responsible and causes it to be done, this House cannot inquire. They see and know, that he is here, has well performed and is still well performing, the functions of his office. With this knowledge, and these facts before them, this house, in the opinion of the undersigned, cannot declare the office of public printer to this House vacant. Which is respectfully submitted.

PHILIP SWEETSER,
SAM'L JUDAH.

Mr. Thompson moved that the reports of the majority and minority of the above committee with the evidence belaid on the table, and 200 copies be printed for the use of the members of this House;

Which motion was decided in the affirmative.

Mr. Farley from the select committee to which the subject was referred, made the following report:

MR. SPEAKER—

The select committee, to whom was referred, the petition of Philip Hyde, George M'Intosh and others, have had the same under consideration and have instructed me to report the following bill, viz:

A bill, No. 15, to provide for the election of a justice of the peace in the town of Manhattan, in Putnam county.

Said bill was read the first time and passed to a second reading on to-morrow.

Mr. Atherton from the select committee to which was referred, the petition of John Tucker and others, relative to a State road therein named, reported that they have had the same under consideration, and directed him to report the following bill, viz:

A bill, No. 16, declaring a certain county road therein named a state road;

Which was read the first time and passed to a second reading on to-morrow.

The House now, according to order, resumed the consideration of the resolution offered by Mr. Fitch, on the subject of the Wabash and Erie canal, and which was under discussion when the House adjourned on yesterday at noon; when

Mr. Carleton withdrew his motion to indefinitely postpone said resolution.

On motion of Mr. Fitch,
The resolution was laid upon the table.

On motion of Mr. Bennet,

Resolved, That the committee on roads, be directed to inquire into the expediency of authorizing the county commissioners of the different counties in this state, to make a reasonable allowance to supervisors of roads for their services during the present and future years; with leave to report by bill or otherwise.

On motion of Mr. Hull,

Resolved, That the fund commissioners be required to report to this House, at as early a day as possible, what service has been done the State by Dr. Isaac Coe, since their appointment to office—by what authority retained—what time spent, and what amount of money they paid him out of the public funds of this state.

On motion of Mr. Jenckes,

Resolved, That the committee on education inquire into the expediency of so amending the school law, as to make it the duty of the school commissioner of each county, annually, on the first Monday in March, to report to the township trustees of each and every township in their respective counties, in which the 16th section has been sold, the condition and situation of the money received by him, to be loaned out—stating the amount received—the amount loaned—the amount on hand—the interest received, and that it be made the duty of the township trustees to have said report published for three weeks successively, in the nearest news paper, and to put up in each district in the township, in the most public place, a written copy of said report; and that the committee have leave to report by bill or otherwise.

Mr. Parker offered for adoption the following resolution:

Resolved, That the committee on education be instructed to inquire into the expediency of providing by law, for the creation of a superintendent of common schools, who shall devote himself exclusively to the service, and receive as a compensation, not less than fifteen hundred dollars per annum, to be paid out of the State Bank school fund;

On the question, "shall the resolution be adopted?" it was decided in the negative.

On motion of Mr. Rippey,

Resolved, That the committee on education be instructed to inquire into the expediency of making a complete revision of the school law, at the present session, and if they find such a revision necessary, that they be instructed to lay a revised bill before this House, at as early a day as practicable.

On motion of Mr. Miller,

Resolved, That the committee of ways and means be instructed to inquire into the expediency of reducing the per centage of collectors of the State and county revenue; with leave to report by bill or otherwise.

On motion of Mr. Burk,

Resolved, That the committee of ways and means be requested to inquire into the expediency of adopting the Ohio plan of collecting the revenue in this State.

On motion of Mr. Parker,

Resolved, That the judiciary committee be instructed to inquire into the expediency of so amending the acts, in reference to crime and punishment, now in force in this State, as to leave it to the sound discretion of the jury, upon their conviction of any minor for any offence, the punishment of which is confinement in the penitentiary,

to substitute instead thereof, imprisonment in the county jail, for any determinate period.

On motion of Mr. Cooper,

Resolved, That so much of the Governor's message that says, "I submit to you the resolutions of the legislature of Kentucky, responsive to those passed by the legislature of Indiana, at the last session, on the subject of slavery, the same be referred, with the resolutions, to the committee on the judiciary.

On motion of Mr. Bell,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of so amending the law, that whenever a matter of payment, or set off is pleaded or filed by the defendant to any suit brought before any justice of the peace, the plaintiff may give in evidence the whole transaction, or contract out of which said set off arose, and if the defendant has received payment of said claim, filed as such set off, the plaintiff may give evidence of the same, though it may not be embraced in his statement, or cause of action; and that they have leave to report by bill or otherwise.

Mr. Cutter offered for adoption the following resolution:

Resolved, That the canal commissioners be instructed to report to this House how much, if any, of the specific appropriation of 1836, has been taken from the Cross-cut canal, and expended upon other works, and the reason for its having been so taken.

Mr. Eccles moved to amend, by adding the following:

"And that the said committee also inquire whether the moneys to be expended on the southern portion of the Central canal have been taken and expended on any other work in the system;

Which amendment was adopted.

Mr. Thompson moved further to amend by adding:

"Also, whether any part of the loan made for the prosecution of the Wabash and Erie canal has been otherwise appropriated;" when,

On motion of Mr. Long,

The resolution and proposed amendments were laid upon the table.

On motion of Mr. Johnson,

Resolved, That the committee on the judiciary be directed to report a bill to this House, equalizing the judicial circuits of this State, and fixing the times of holding courts therein, at as early a day as possible.

Mr. Moore of O., introduced the following resolution:

Resolved, That the committee on canals and internal improvements be instructed to inquire into the expediency of repealing so much of of the law of last winter, as authorizes the board of public works to transfer contracts from one work to another; with leave to report by bill or otherwise;

Which, on motion of Mr. Judah, was laid upon the table.

Mr. Thompson offered the following resolution:

Resolved, That the committee on roads be instructed to inquire into the expediency of amending the road laws, so as to require each person, made liable to work on the public roads, to pay one dollar for each day's delinquency.

On the question of adopting said resolution, it was decided in the negative.

On motion of Mr. Carleton of F.,

Resolved, That the judiciary committee be instructed to inquire into the expediency of so far amending the probate law, as to give the right of appeal from all decrees, orders, or judgments of the probate courts, to the circuit courts, in the same manner, and under the same restrictions, as those which regulate appeals from justice's courts; with leave to report by bill or otherwise.

On motion of Mr. Allison,

Resolved, That the committee on military affairs, in their bill to revise the militia law, and reorganize the militia of this State, be instructed to insert such provisions, as will compel every person belonging to the militia of this State, who shall voluntarily offer his services as a military officer, and be elected, to be compelled, under a severe penalty, to accept of his commission. *Provided*: That no person shall be compelled to accept of such commission who has removed from his respective company, regiment, or division, or exempted from performing militia duty by the laws of this State; and,

Resolved further, That they take into consideration the propriety of establishing a military school within this State.

Mr. Carlton of L. introduced the following resolution:

Resolved, That the committee on the State bank be instructed to inquire into the expediency of repealing the law of last session, entitled "An act providing for the increase of the stock of the State bank," approved February 12th, 1839; with leave to report by bill or otherwise.

Mr. Herriman moved that the resolution lie on the table;

Which motion was decided in the affirmative.

Mr. Hunt of Randolph, moved the following resolution, to wit:

Resolved, That the judiciary committee be instructed to inquire into the expediency of so amending the law, that when an individual goes before a grand jury, voluntarily, and causes another to be indicted, and such indictment fails, he shall be held responsible for cost; to report by bill or otherwise.

Mr. Cooper moved to amend the resolution, by striking out the resolving clause, and inserting the following:

"That the committee on the judiciary be instructed to inquire into the expediency and propriety of passing a law, that if any person or persons shall voluntarily go before the grand jury of any county in this State, and cause any person or persons to be indicted, on a charge of any offence, and on the final investigation of such indictments, it appears to the satisfaction of the judges of their respective courts that such indictments were found without a probable cause, the prosecuting witness or witnesses shall be held liable for cost, at the discretion of the judges, who shall have power to render a judgment against such witness or witnesses for all cost, and the same may be collected by execution or fee bill, issued by the clerk of such courts; with leave to report by bill or otherwise.

A division of the question being called for, the question was taken on striking out, and decided in the affirmative.

The proposed amendmont was then adopted by the House; and

On the question, Shall the resolution, as amended, be adopted? it was decided in the affirmative.

On motion of Mr. Morrison,

Resolved, That the judioiary committee be instructed to inquire into the expediency of repealing an act, entitled "An act to amend an act, regulating the taking up of animals going estray," approved February 18th, 1839, which requires the clerk of each county to make out, monthly, a correct copy of the description and appraisement of each estray, of greater value than ten dollars, that may have been entered in his estray book, and transmit the same to the State printer, with the sum of one dollar to pay the printer; and that said committee have leave to report by bill or otherwise.

On motion of Mr. Wilson of Miami,

Resolved, That the committee on canals and internal improvements be instructed to inquire into the expediency of amending so much of the present revenue law as relates to tolls and the manner of accounting for them, as to make it the duty of the toll collectors to promptly pay over the moneys so collected, at least quarterly.

On motion of Mr. Morgan,

Resolved, Thut the committee on ways and means be instructed to inquire into the expediency of incorporating the following provisions into the revision of the revenue law.

First. To extend the time now allowed to clerks to make out collector's duplicates.

Second. To require the election or appointment of one assessor in each county, once in four years, whose duty it shall be to make an assessment of real estate only; such assessments, when so made, to be subject to the inspection and correction of a board of equalization, to be elected by the Legislature; and make it the further duty of said county assessors, to take the agricultural statistics quadrenially, which are now required to be taken annually.

Third. To require the election of township assessors, and make it their duty to make annual assessments of all personal property, together with such real estate as may become taxable, between the times of making the quadrienial assessments by the county assessors.

Fourth. To require the election of township collectors, and making it the duty of the people to call upon such collectors between the first of October and last of December in each year, for the purpose of paying their taxes, when so collected, to be paid over to the county treasurer, whose duty it shall be, forthwith, to pay over the State revenue to the Treasurer of State.

Fifth. To authorise and require collectors to collect, by distress and sale, all taxes owing by persons about to leave any county, without the payment of the same, at any time after the duplicates are placed in their hands for collection.

Mr. Porter offered the following resolution:

Resolved, That the judiciary committee be instructed to inquire into the expediency of so amending the law, in relation to justices of the peace, sheriffs and constables, that in all criminal cases, which do not result in a conviction, in which they have performed services, they shall be allowed the same fees as are now allowed by law, in cases of conviction, to be allowed them by the board doing county business out of the county treasury; with leave to report by bill or otherwise.

Mr. Osborn of F. moved to lay the above resolution on the table;

Which motion was decided in the affirmative.

On motion of Mr. Edmonson,

Resolved, That the judiciary committee be instructed to inquire into the expediency of establishing by law a uniform mode of doing county business in the several counties of this State; with leave to report by bill or otherwise.

Mr. Fitch offered for adoption the following resolution, to wit:

Resolved, That the committee on canals and internal improvements be instructed to inquire into the expediency of memorializing Congress, for an additional grant of lands, for the further improvement of the Michigan road, north of Napoleon.

Mr. McCoy moved to strike out "committee on canals and internal improvements" and insert "select committee;"

Which motion was decided in the negative.

The resolution was then adopted without amendment.

Mr. Parker moved the following resolution, to wit:

Resolved, That the judiciary committee be instructed to report a bill requiring every voter in this State, who may hereafter vote, at an April election, to endorse on his ticket whether he is *for* or *against* the retailing of spiritous liquors; and further providing, that, as the majority may be, in each township in this State, so shall the proper board doing county business be governed, in granting or withholding licenses to retail spiritous liquors in such township.

Mr. Herriman moved to lay the resolution on the table;

Which motion did not prevail.

Mr. Fitch moved to amend, by adding, in the proper places the word "tobacco" after the word "liquor;"

Mr. Haddon moved to extend the provisions of the contemplated law to the different townships in Fayette county; when

Mr. Albertson moved to lay the resolution and proposed amendments upon the table,

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Allison, Arnold, Becket, Bell, Bowles, Buckles, Campbell, Carleton of F., Clark, Coats, Conaway, Cutter, Davis, Edmonson, Farley, Finch, Fitch, Garrigus, Haddon, Hamer, Hamblen, Herriman, Hull, Hunt of J., Jamison, Johnson, Lanius, Lee, McCoy, Moore of O., Moore of V., Nelson of B., Nelson of M., O'Neill, Osborn

of C., Osborn of F., Osborn of U., Perry, Porter, Rippey, Robinson of J., Robinson of Ripley, Robinson of Rush, Sands, Spann, Stewart, Thompson, Warriner, Wheeler, White, Wilson of W., Woodard, and Zenor—54

Those who voted in the negative were:

Messrs. Atherton, Baker, Bennet, Berkshire, Burk, Butler, Carlton of L., Cogswell, Cooper, Cox, Dunn, Eccles, English, Everts, Fisher, Flint, Foster, Frisbie, Henly, Hunt of R., Jackson, Jenckes, Jones, Judah, Lancaster, Long, McGaughey, Miller, Milroy, Monroe, Montgomery, Morgan, Morrison, Parker, Perviance, Rush, Shields, Shively, Sweetser, Wilson of M., and Mr. Speaker—41.

So the resolution was laid upon the table.

Mr. Cutter introduced a joint resolution,

No. 17, entitled a joint resolution in relation to the claims of this State for lands to complete the Wabash and Erie canal;

Which was read a first time and passed to a second reading on to-morrow.

Mr. Allison introduced a bill, No. 18, to regulate the jurisdiction of justices of the peace in Green county;

Which was read a first time and passed to a second reading on to-morrow.

Mr. Dunn introduced a bill, No. 19, to repeal so much of an act entitled "an act providing for a more uniform mode of doing township business in the several counties therein named," as relates to the county of Clinton;

Which was read the first time and passed to a second reading.

Mr. Eccles introduced a bill No. 20, to amend an act entitled "an act to regulate the duties of justices of the peace;"

Which was read a first time and passed to a second reading on to-morrow.

Mr. Baker introduced a bill, No. 21, to amend an act entitled "an act to regulate the duties of justices of the peace;

Which was read the first time and passed to a second reading on to-morrow.

On motion,

The House adjourned until two o'clock P. M.

Two o'clock P. M.

The House met pursuant to adjournment.

Mr. Judah moved that the rule of the House be suspended, and he have leave to introduce a resolution;

Which was decided in the negative.

Mr. Long introduced a bill, No. 22, to vacate a part of a street in the town of Brookville;

Which was read the first time and passed to a second reading on to-morrow.

The House now proceeded to the consideration of the orders of the day. A joint resolution, No. 4, of the Senate, relating to the duties of the enrolling clerks of the two Houses of the General Assembly,

Was read the second time and ordered to a third reading on to-morrow.

No. 5, a joint resolution of the House of Representatives, instructing our Senators and requesting our Representatives in Congress to use their exertions to repeal the duty on salt,

Was read the second time and committed to a select committee of Messrs. Cutter, Robinson of Rush and Flint.

Bill of the House, No. 6, for the relief of the heirs of Robert Meek deceased, was read the second time and ordered to be engrossed for a third reading on to-morrow.

Bill of the House, No. 7, providing for a uniform mode of ascertaining the weight of certain quantities of grain, &c.,

Was read the second time and committed to a committee of the whole House and made the order of the day for to-morrow.

No. 8, a bill of the House to recover the value of sheep killed by dogs,

Was read the second time; when

On motion of Mr. Judah, said bill was committed to a committee of the whole House, and made the order of the day for the present time;

Whereupon, the House resolved itself into a committee of the whole on said bill, Mr. Allison in the chair, and after some time spent therein the committee rose and the chairman reported the bill back to the House, without amendment, and asked to be discharged from the further consideration thereof.

The committee was discharged accordingly, and the bill was ordered to be engrossed for a third reading on to-morrow.

No. 9, a bill of the House, to charter the Evansville Rifle Rangers, was read the second time; and

On motion of Mr. Butler,

Committed to the committee on corporations.

No. 11, a bill of the House, for the relief of the collector of Fayette county;

Was read the second time; and,

On motion of Mr. Bowles,

Committed to the committee of ways and means.

Bills of the House, No. 12, to change the time of holding courts in the eleventh judicial circuit, and

No. 13, do change the name of Levina Fallis, were severally read and ordered to be engrossed for a third reading on to-morrow.

Bill of the House, No. 14, to incorporate the Columbus Savings Institution,

Was read the second time;

Mr. Robinson of J. moved to commit the bill to the committee on corporations; when

Mr. Arnold moved that the bill be indefinitely postponed;

Which motion was decided in the affirmative.

Engrossed bill of the House, No. 3, to change the name of Harvey Slocum of Jefferson county, was read the third time, amended by unanimous consent, and passed.

Engrossed Bill of the House, No. 4, to declare a certain county road therein named a state road, in the county of Henry, was read the third time and committed to the committee on roads.

Mr. Eccles, on leave, introduced the following resolution, which was adopted, to wit:

Resolved, That the reports of all the branches of the State Bank be included in the order of this House of the 6th inst. for printing the report of the State Bank.

Mr. Foster moved to reconsider the vote taken on yesterday, on a resolution relative to extending the jurisdiction of justices of the peace in actions of trespass and replevin;

Which motion was decided in the negative.

On motion,

The House adjourned until to-morrow morning at nine o'clock.

WEDNESDAY MORNING, DECEMBER 11, 1839.

The House met pursuant to adjournment.

Mr. Berkshire presented the petition of Warner Bufkin, David Hiatt and others, praying a change in the New Castle and Indianapolis State road;

Which was referred to a select committee of Messrs. Berkshire, Cooper and Burk.

Mr. Miller presented the petition of Daniel Crowley, praying the vacation of the town of Economy:

Which was referred to a select committee of Messrs. Miller, Bell and Butler.

Mr. Fisher presented the petition of Bela Hearick and others, members of the Patriot Silk and Trading Company, praying an act of incorporation;

Which was referred to the committee on corporations.

Mr. Fitch presented the petition of David Hiatt and others, praying a change in the manner of doing township business in the county of Cass;

Which was referred to a select committee of Messrs. Fitch, Wilson of M. and Milroy.

Mr. Parker made the following report:

MR. SPEAKER—

The committee on the judiciary, according to order, have had under consideration, bill No. 2, of the House, entitled "a bill for the relief of the collector of Laporte county," and have directed me to report the same to the House without amendment, and to recommend its passage.

The bill mentioned in the report was ordered to be engrossed for a third reading on to-morrow.

Mr. Eccles, from the judiciary [committee, made the following report:

MR. SPEAKER—

The judiciary committee to whom was referred the petition of James Houston and others, praying relief against fines for retailing spirituous liquors as therein named; have according to order had the same under consideration, and have directed me to report: That if the petitioners be entitled to relief, they must obtain it from a different department of the government; that this department possesses no dispensing power. They therefore deem it inexpedient to legislate further on this subject, and ask to be discharged from the further consideration thereof.

Mr. Fitch, from the committee on education, to which was referred, the petition on that subject, reported the following bill,

No. 23, entitled a bill to incorporate the New Washington Seminary;

Which was read the first time and passed to a second reading on to-morrow.

Mr. Hunt, from the select committee, to which was referred the petition on that subject, reported the following bill, to-wit:

No. 24, a bill for the relief of James Copeland and Macklin Copeland;

Which was read the first time and passed to a second reading on to-morrow.

Mr. Finch, from the select committee on that subject, reported the following bill, to-wit:

No. 25, to relocate a part of the Greensburgh and Franklin State road.

Which was read the first time and passed to a second reading.

Mr. Wilson of M., from a select committee, to which the subject was referred, reported a bill,

No. 26, entitled a bill for a State road in the counties of Cass and Miami;

Which was read the first time and passed to a second reading on to-morrow.

Mr. Judah offered for adoption the following resolution:

Resolved, That a select committee of three members be appointed, whose duty it shall be, by an investigation upon the oaths of such persons best acquainted with the subject, as the committee may deem proper, to ascertain the probable amount of the notes of banks of other States, of denominations less than five dollars, now in circulation in this State—the effect of such circulation upon the specie currency of this State—the amount of bills of denominations less than five dollars, which the State bank of Indiana might circulate, upon its present specie basis, without decreasing its present circulation of notes of five dollars and upwards, and the probable effect of such an issue upon the specie circulation of the State, and upon the business of the State bank, as well as on its future ability to aid the State in the arrangement of its finances; with leave to report.

Mr. Henly moved to amend the resolution by striking out “select committee” and inserting “committee on the State bank;” whereupon.

Mr. Judah called for a division of the question.

And the question being put on striking out.

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Arnold, Conaway, English, Fisher, Fitch, Henly, Lanius, Milroy, Monroe, Morrison, Perry, Porter, Shields, Spann, Stewart, White, Wilson of W. and Mr. Speaker—18.

Those who voted in the negative were:

Messrs. Albertson, Allison, Atherton, Baker, Becket, Bell, Bennet, Berkshire, Bowles, Buckles, Burk, Butler, Campbell, Carleton of F., Carlton of L., Clark, Coats, Cogswell, Cooper, Cox, Cutter, Davis, Dunn, Eccles, Edmonson, Everts, Farley, Finch, Flint, Foster, Frisbie, Garrigus, Haddon, Hamer, Hamblen, Hull, Hunt of J., Hunt of R., Jackson, Jamison, Jenckes, Johnson, Jones, Judah, Lane, Lancaster, Lee, Long, McCoy, McGaughey, Miller, Montgomery, Moore of O., Moore of V., Morgan, Nelson of B., Nelson of M., O'Neill, Osborn of C., Osborn of F., Osborn of U., Parker, Perviance, Rippey, Robinson of J., Robinson of Ripley, Robinson of Rush, Rush, Sands, Shiveley, Sweetser, Thompson, Wariner, Wilson of M., Woodward, Worster and Zenor—77.

So the House refused to strike out.

The question being put, shall the resolution be adopted?

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Allison, Atherton, Baker, Becket, Bell, Bennet, Berkshire, Bowles, Buckles, Burk, Butler, Campbell, Carleton of F., Clark, Coats, Cogswell, Cooper, Cox, Cutter, Davis, Dunn, Eccles, Everts, Farley, Jackson, Finch, Flint, Frisbie, Haddon, Hamer, Hull, Hunt of J., Hunt of R., Jamison, Jenckes, Johnson, Jones, Judah, Lane, Lancaster, Lee, Long, McCoy, McGaughey, Miller, Montgomery, Moore of O., Morgan, Nelson of B., Nelson of M., O'Neill, Osborn of C., Osborn of F., Osborn of U., Parker, Perviance, Rippey, Robinson of J., Robinson of Ripley, Robinson of Rush, Rush, Sands, Shiveley, Sweetser, Thompson, Warriner, Wilson of M., Woodard Worster and Zenor—71.

Those who voted in the negative were:

Messrs. Albertson, Arnold, Carlton of L., Conaway, Edmonson, English, Fisher, Fitch, Foster, Garrigus, Hamblen, Henly, Lanius, Milroy, Monroe, Morrison, Moore of V., Perry, Porter, Shields, Spann, Stewart, Wheeler, White, Wilson of W., and Mr. Speaker—24.

So said resolution was adopted.

Messrs. Judah, Robinson of Jefferson and Carleton of Fountain were appointed the committee in pursuance of said resolution.

On motion of Mr. Hunt of Jefferson,

Resolved, That a select committee of three be appointed, to open a correspondence with our fund commissioner, general Stapp, who is now in the city of New York, with the view of ascertaining from him, the value, at this time, of the bonds and other securities of the Morris Canal and Banking Company, that are the property of the State of Indiana, and at how small a sacrifice such bonds and securities could be converted into available means for the immediate use and benefit of the State, reserving copies of the correspondence, on the part of the committee, and reporting the same, with the answers, to this House, so soon as they may be received.

Messrs. Hunt of J., Morrison and Sweetser were appointed the committee.

Mr. Long offered for adoption the following resolution, to wit:

Resolved, That the committee on canals and internal improvements be requested to prepare and report a bill, directing the board of internal improvement, to curtail their operations on the public works, so as to confine their expenditure to any number of works, not to exceed three, exclusive of the Wabash and Erie canal, except so far as may be necessary to secure from waste, any work that may have been commenced, and also provide for the earliest possible completion of the last named work.

Mr. Miller moved to strike out "three," and insert "one;" in relation to the number of works; when,

On motion of Mr. Long.

The resolution and proposed amendment was laid upon the table.

Mr. Hull moved the following resolution; which was adopted, viz:

Resolved, That the committee on ways and means be instructed to inquire into the propriety of so amending the revenue law, as to require each person, subject to taxation, to make out a faithful list of his taxable property on the second Monday of March in each year, and hand it over to the assessor of his county or township.

Mr. Stewart offered for adoption the following resolution:

Resolved, That the door keeper be instructed not to receive or deliver to the members of this House, any copies of the Journal and Democrat, unless they be individually subscribed for, until the committee on that subject make their report.

On motion of Mr. Butler,

The resolution was laid upon the table.

Mr. Cutter moved the following resolution:

Resolved, That the fund commissioners be instructed to report to this House, whether the credit and character of the State do not demand that they should immediately sell the candle factory belonging to the state, and all the appurtenances thereunto belonging, to the highest bidder that can be found, and appropriate the proceeds to the payment of laborers on our public works.

Mr. Moore of O., moved to amend by adding, after the words, "candle factory," the following: "and also the lots in Brooklyn;" which was concurred in; when,

On motion of Mr. Morrison,

The resolution and amendment were referred to the select committee appointed on the 9th inst., having the same subject under consideration.

On motion of Mr. Cooper,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of providing by law, that in all cases where constables shall arrest any person or persons, by virtue of a *capias ad respondendum*, the constable making such arrest, shall be bound to take bail from the person or persons so arrested, if they offer it for their appearance before the justice of the peace issuing such writ, on the third day after such arrest; with leave to report by bill or otherwise.

On motion of Mr. Hull,

Resolved, That the fund commissioners be required to report to this House, why they failed to receive securities for the proceeds of the bonds sold by them, signed by Isaac Coe, James Farrington and Caleb B. Smith, former fund commissioners, to the Morris Canal and Banking company, for a loan of four hundred thousand one hundred and sixty dollars; and all other bonds, if any, in similar situation.

On motion of Mr. Butler,

Resolved, That the judiciary committee be instructed to inquire into the expediency of so altering the astray law, as more effectually to protect property taken up adrift.

On motion of Mr. Cutter,

Resolved, That the committee on public buildings be instructed to report to this house as soon as practicable: 1st, whether there is any insurance upon the State House and property therein belonging to the State against fire. 2dly. If there is any such insurance, to what amount? in what office? 3dly. If there is no such insurance the practicability and expediency of effecting an insurance thereon; with leave to report by bill or otherwise.

Mr. Frisbie offered the following resolution:

Resolved, That the committee of ways and means be instructed to inquire into the expediency of repealing so much of the present law, as authorizes the clerks of the several counties to divide county orders; with leave to report by bill or otherwise.

On the question, shall the resolution be adopted, it was decided in the negative.

On motion of Mr. Hunt of R.,

Resolved, That the committee on canals and internal improvement be instructed to inquire into the manner of contracting or renting the water privileges on the several canal lines, in this state, and to what amount has been sold; and report the same to this House, as soon as practicable.

On motion of Mr. Allison,

Resolved, That the committee on canals and internal improvements be instructed to inquire into the expediency of authorizing, by law, the board of internal improvement, to instruct the principal engineer to make permanent locations, on the several works of internal improvements in this state, that have not heretofore been located.

On motion of Mr. Johnson,

Resolved, That His Excellency, the Governor, be invited to occupy a seat within the bar of this House, during its present session, at such times as may suit his convenience; and that the door keeper provide a chair for that purpose.

Bills were introduced of the following titles, to wit:

By Mr. Stewart, No. 27, entitled a bill to amend an act entitled "an act to regulate the mode of doing county business, in the several counties in this state, approved February 17th. 1838;

By Mr. Nelson of Boone, No. 28, entitled a bill to regulate the jurisdiction of justices of the peace in Boone county;

By Mr. Sweetser, No. 29, a bill to amend an act, entitled "an act to organize probate courts and defining the powers and duties of executors, administrators and guardians;

By Carlton of L., No. 30, a bill supplemental to an act relative to public roads and highways, approved February 17th, 1838;

Which were severally read and ordered to a second reading on tomorrow.

On motion,

The House adjourned until two o'clock P. M.

Two o'clock P. M.

The House met pursuant to adjournment, and proceeded to the consideration of the orders of the day.

No. 14, a bill to provide for the election of justices of the peace in the town of Manhattan in Putnam county, was read the second time and ordered to be engrossed for a third reading on to-morrow.

No. 16, a bill to declare a certain county road therein named a state road, was read the second time; and

On motion of Mr. Judah,

Committed to the committee on roads.

On motion of Mr. Herriman,

The bill, No. 1, to abolish imprisonment for debt, was now taken up; when

Mr. Cooper moved that the House do now resolve itself into committee of the whole on said bill.

Mr. Long moved to amend by substituting Monday next for the present time; which motion did not prevail.

The motion to commit the bill to a committee of the whole, for the present time, was decided in the affirmative; and

The House, according to order resolved itself into a committee of the whole, on the before mentioned bill;

Mr. Long in the chair;

And after deliberating thereon the committee rose and the chairman reported the bill back to the House with amendments;

Which were severally concurred in by the House.

On motion of Mr. Sweetser,

The bill was ordered to be engrossed for a third reading on to-morrow.

No. 17, a joint resolution in relation to the claims of this state for lands to complete the Wabash and Erie canal, was read a second time; and

On motion of Mr. Sweetser,

Committed to the committee on canals and internal improvements.

No. 18, a bill to regulate the jurisdiction of justices of the peace in Green county was read the second time; and

On motion,

Committed to the committee on the judiciary.

No. 19, a bill to repeal so much of an act entitled "an act providing for a more uniform mode of doing township business, in the several counties therein named," as relates to the county of Clinton;

Was read the second time; and

On motion,

Committed to a select committee of Messrs. Dunn, Foster and Buckles.

No. 20, a bill to amend an act entitled "an act to regulate the duties of justices of the peace, was read the second time; when

Mr. Cooper moved to commit the bill to the committee on the judi-

ciary, with instructions to inquire into the constitutionality of extending the duties of justices of the peace, giving them the power to send executions to counties in which they do not reside, with leave to report, as they deem most expedient.

And, before any decision was had thereon,

The House adjourned until to-morrow morning at nine o'clock.

THURSDAY MORNING, DECEMBER 12, 1839

The House met pursuant to adjournment.

Mr. Shiveley presented the petition of Abraham See and others, to amend the law regulating the jurisdiction and duties of justices of the peace;

Which was read and referred to a select committee of Messrs. Shiveley, Wilson of M., and Robinson of J.

Mr. Carleton of F. made the following report, to wit:

MR. SPEAKER—

The committee of canals and internal improvements to whom was referred a joint resolution No. 17 of the House, in relation to the claim of this State "for lands to complete the Wabash and Erie canal," have had the same under consideration, and instructed me to report the same back to the House with the following amendments, to wit: Strike out the preamble and joint resolution and insert the following, to wit:

No. 17, a joint resolution, in relation to the claim of this State, for lands to complete the Wabash and Erie canal;

Mr. Haddon proposed to amend the joint resolution, by striking out the word "Terre Haute" and insert the following: "a navigable point on the Wabash river," in relation to the lower terminating point of the canal.

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Davis, Haddon, Henly, Herriman Jones, Stewart, and White—7.

Those who voted in the negative were:

Messrs. Albertson, Allison, Arnold, Atherton, Baker, Becket, Bell, Bennet, Berkshire, Bowles, Buckles, Burk, Butler, Campbell, Carleton of F., Carlton of L., Clark, Coats, Cogswell, Conaway, Cooper, Cox, Cutter, Dunn, Eccles, Edmonson, English, Everts, Farley, Finch, Fisher, Fitch, Flint, Foster, Frisbie, Garrigus, Hamer, Hamblen, Hull, Hunt of J., Hunt of R., Jackson, Jamison, Jenckes, Johnson, Lane, Lancaster, Lanius, Lee, Long, M'Coy, M'Gaughey, Milroy, Monroe, Montgomery, Moore of O., Moore of V., Morgan, Morrison, Nelson of B., Nelson of M., O'Neill, Osborn of C., Osborn of F., Osborn of U., Parker, Perry, Perviance, Porter, Rippey, Robinson of J., Robinson of R., Robinson of Rush., Rush, Sands, Shields, Shiveley, Spann, Sweetser, Thompson, Warriner, Wheeler, Wilson of M., Wilson of W., Woodard, Worster, Zenor, and Mr. Speaker—89.

So said amendment was not adopted.

Mr. Sweetser moved to amend the resolution, by adding the following:

"And that the Secretary of State be directed to forward a copy of this joint resolution to each of our Senators and Representatives in Congress;"

Which amendment was adopted.

The report of the committee, as amended, was then concurred in by the House;"

The joint resolution was then ordered to be engrossed for a third reading on to-morrow.

Mr. Hunt of J., made the following report:

MR. SPEAKER.

The committee on canals and internal improvements to whom was referred a resolution in relation to sending a commissioner to Ohio, have had the same under consideration, and have instructed me to report, that they deem it inexpedient, at this time, to send a commissioner, believing that the object of this mission can be effected by correspondence. They therefore recommend that the Speaker entertain that correspondence with the Speaker of the House of representatives of Ohio, or appoint a committee for that purpose, as he may deem advisable.

Mr. Sweetser moved to amend the report, by striking out that part of it, which leaves it discretionary with the Speaker to appoint a commissioner to entertain a correspondence with the Speaker of the House of representatives of Ohio;

Which motion was decided in the affirmative.

The report of the committee, as amended, was then concurred in by the House.

Mr. Flint, from the select committee to which was referred the peti-

tion sundry citizens of Daviess county, reported the following bill, to wit:

No. 31, a bill to provide for the election of an additional justice of the peace in the town of New London, in Daviess county;

Which was read the first time and passed to a second reading on to-morrow.

Mr. Garrigus, from the select committee on that subject, reported the following bill, viz:

No. 32, a bill providing for the election of three school commissioners in township No. 14, north of range 7 west, in Parke county;

Which, on motion of Mr. Garrigus, was read three several times, the rule being dispensed with, and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Haddon from the select committee to which was referred the petition of William Alsop and others, relative to legalizing the acts and proceedings of school trustees of Sullivan county, relative to the town of Edwardsport, reported the following bill, to wit:

No. 33, "a bill legalizing the acts and proceedings of the trustees of school district township No. 6, north of range No 9 west, in Sullivan county, in relation to the town of Edwardsport;

Which was read the first time and ordered to a second reading on to-morrow.

Mr. Sweetser, on leave, presented the petition of Andrew Wilson of Marion county, on the subject of money due him on his contract for building a bridge over White river, on the Michigan road;

Which was read and referred to a select committee of Messrs. Sweetser, Fitch and Rush.

On motion of Mr. Fitch,

The report of William Polke, Esq., commissioner on the Michigan road was withdrawn from the committee on roads and referred to the before mentioned select committee.

A message from the Senate by Mr. Test their secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that the Senate has passed an engrossed bill of the House, No. 10, entitled

"An Act for the relief of Wesley White, late collector of Putnam county, and his securities,

Without amendment.

Mr. Osborn of F., made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of George

M. Miller and Reuben Jerman, praying for the vacation of the town of Bath, have, according to order had the same under consideration and have directed me to report a bill to vacate said town, to wit:

No. 34, a bill to vacate the town of Bath;

Which was read a first time and passed to a second reading on tomorrow.

Mr. Jamison offered for adoption the following resolution:

Resolved, That the committee on the judiciary be instructed to report a bill to this House, for the formation of a twelfth judicial circuit, to be composed of the counties of Dearborn, Franklin, Decatur, Ripley, and Jennings.

Mr. Fitch moved to amend said resolution, by adding the following:

"And also a 13th judicial circuit, to be composed of the counties of Carroll, White, Jasper, Pulaski, Fulton, Miami, and Cass."

Mr. Eccles moved to amend the amendment, as follows:

"And that circuits in this State be re-organized and equalized;" when,

On motion of Mr. Herriman,

The resolution and proposed amendments were laid upon the table.

On motion of Mr. Montgomery,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of so amending an act, entitled "an act providing for a more uniform mode of doing township business, in the several counties therein named," approved February 17th, 1838, as to make its influence uniform throughout the several counties in this State; or if the same be found inexpedient, that said committee inquire into the expediency of repealing so much of said act as relates to Warren county, with leave to report by bill or otherwise.

Mr. Henly offered for adoption the following resolution:

Resolved, That the committee on the affairs of the State prison be instructed to inquire into the expediency of making an appropriation, on the part of the State, to assist the corporation of the town of Jeffersonville, in the purchase of an engine and hose, for the protection of the public property in that town, from fire.

Mr. Judah moved to amend the resolution, by striking out from the words "expediency of," and inserting the following:

"Of removing the State prison to some central point in the State,"

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Allison, Atherton, Baker, Bell, Bennet, Berkshire, Buckles, Burk, Butler, Coats, Cogswell, Cooper, Cox, Cutter, Dunn, Finch, Flint, Foster, Hull, Hunt of R., Jackson, Jamison, Jenckes, Jones, Judah, Lancaster, Long, M'Gaughey, Morgan O'Neill, Osborn of C.,

Parker, Perviance, Porter, Rippey, Robinson of J., Rush, Shiveley, Spann, Thompson, Wheeler, and Wilson of M.,—42.

Those who voted in the negative were:

Messrs. Albertson, Arnold, Becket, Bowles, Campbell, Carleton of F., Carlton of L., Clark, Conaway, Davis, Eccles, Edmonson, English, Everts, Farley, Fisher, Fitch, Frisbie, Garrigus, Haddon, Hamer, Hamblen, Henly, Herriman, Hunt of J., Johnson, Lane, Lanius, Lee, M'Coy, Miller, Milroy, Monroe, Montgomery, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of F., Osborn of U., Perry, Robinson of Ripley, Robinson of Rush, Sands, Shields, Stewart, Sweetser, Warriner, White, Wilson of W., Woodward, Worster, Zenor, and Mr. Speaker.—55.

So the amendment was not adopted.

Mr. Henly now, there being no objection made, withdrew the resolution; when

Mr. Sweetser offered the same resolution for the adoption of the House.

And, on the question, shall the resolution be adopted? it was decided in the affirmative.

On motion of Mr. Foster,

Resolved, That the Judiciary committee be directed to inquire into the propriety of so amending the law, authorizing the issuing of writs of *ne exeat*, by justices of the peace, as to secure debts where the debtors are about to remove from the county, on any sum not exceeding fifty dollars; with leave to report by bill or otherwise.

Mr. Cooper offered for adoption the following resolution:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of so amending the law, as to increase the fees of sheriffs for taking convicts to the State prison; with leave to report by bill or otherwise;

Which was not adopted.

On motion of Mr. Fitch,

Resolved, That the select committee of five, under resolutions 15 and 16, in relation to the public debt, be instructed to inquire whether any one, and if any, who of the fund commissioners has speculated in our State bonds, for his own benefit, and the amount probably thus realised to himself, together with the manner in which such speculation has been conducted, whether by sale at a better rate than reported, by a bonus from any corporation, or individual, to whom he or they may have sold, for his or their own benefit; or by purchasing with the bonds, as money, through any corporation or individual, the paper of solvent banks, which paper may have been at a discount in New York, and dividing the proceeds with said corporation or individual, or in any other manner whatever; and that, for this purpose, they have leave to examine all papers, correspondence, and other documents relative to, or connected in any manner with, the various loans

effected by any one, or all of the fund commissioners, or any of their authorized agents, with the Morris Canal and Banking Company, or any other institution, or company, or individual, and to compel the production of said papers, and attendance of persons; and that they be required to report as soon as practicable.

On motion of Mr. Arnold,

Resolved, That a select committee be appointed to inquire into the expediency of a reduction of the salaries of the public officers of Indiana, or of any of them; with leave to report by bill or otherwise.

Mr. Carleton of F. moved to strike out the words "a reduction of," and insert the word "increasing;" when

On motion of Mr. Monroe,

The resolution and proposed amendment was laid upon the table.

On motion of Mr. Cutter,

Resolved, That the committee of ways and means be instructed to inquire if there be any money or means under the control of this House, which can consistently be appropriated to the State's debt to contractors on our public works; and, if so, that they report a bill forthwith upon that subject.

On motion of Mr. Milroy,

Resolved, That whereas the water power, created by the Wabash dam near Delphi, has not been leased or rented, because of the same having always been held at a higher *minimum* price, than any individual or company was willing to give; that, therefore, a select committee be appointed, to inquire into the expediency of authorizing the same, or a part thereof, to be leased on the best terms that can be had, on a reasonable notice, of a time and place at which to receive proposals; with leave to report by bill or otherwise.

Messrs. Milroy, White, and Wilson of White, were appointed said committee.

On motion of Mr. Everts,

Resolved, That the judiciary committee be instructed to inquire into the expediency of so amending the law, for the collection of debts, claimed to be due on book accounts, as to allow the plaintiff in action to swear to the correctness of his bills of accounts, (if required,) or to prove generally that he keeps regular and correct accounts; and that they be requested to report by bill or otherwise.

Mr. Edmonson introduced a bill, No. 35, for the benefit of persons who are likely to suffer, by the destruction of the records of Dubois county;

Which was read the first time and passed to a second reading on to-morrow.

Mr. Warriner introduced a bill, No. 36, for the relief of the collector of Porter county;

Which was read the first time, and passed to a second reading on to-morrow.

On motion,

The House adjourned until two o'clock, P. M.

Two o'clock, P. M.

The House met pursuant to adjournment; and proceeded to the consideration of the orders of the day.

The House again resumed the consideration of bill of the House No. 20, to amend an act, entitled "An act to regulate the duties of justices of the peace;" which had been read a second time—the pending question being on committing it to the judiciary committee with instructions; and

On the question, Shall the bill be so committed? it was decided in the affirmative.

No. 21, a bill of the House, to amend an act, entitled "An act to regulate the duties of justices of the peace," was read a second time; and

On motion of Mr. Carleton of F., committed to the committee on the judiciary.

No. 22, a bill of the House, to vacate part of a street in the town of Brookville, was read a second time, and ordered to be engrossed for a third reading.

No. 23, a bill of the House, to incorporate the New Washington Seminary, was read a second time and ordered to be engrossed for a third reading.

No. 24, a bill of the House, for the relief of James Copeland and Maclin Copeland, was read a second time, and ordered to be engrossed for a third reading.

No. 25, a bill of the House, to re-locate a part of the Greensburgh and Franklin State road, was read a second time; and

On motion of Mr. Finch,

Committed to the committee on roads.

No. 26, a bill of the House, for a State road in the counties of Cass and Miami, was read a second time; and

On motion of Mr. Wilson of M.,

Committed to the committee on roads.

No. 27, a bill of the House, to amend an act, entitled "An act to regulate the mode of doing county business, in the several counties of this State," approved February 17th, 1838, was read a second time; and

On motion of Mr. Stewart,

Referred to a select committee of Messrs. Stewart, Eccles, and Zenor.

No. 28, a bill of the House, to regulate the jurisdiction of justices of the peace in Boone county, was read a second time; and ordered to be engrossed for a third reading.

No. 29, a bill of the House, to amend an act, entitled "An act to organize probate courts, and defining the duties of executors, administrators, and guardians, was read a second time; and

On motion of Mr. Eccles,

Committed to the committee on the judiciary.

No. 30, a bill of the House, supplemental to an act, relating to public roads and highways, was read a second time; when

Mr. Bowles moved to strike out of the bill that part which relates to a publication in the newspapers in this place;

Which motion was decided in the affirmative.

The bill was then ordered to be engrossed for a third reading on to-morrow.

Bills on their third reading were now taken up.

No. 1, a bill of the House, to abolish imprisonment for debt, was read a third time; when

Mr. Fisher moved to commit the bill to the committee on the judiciary.

Mr. Parker moved that the House adjourn until to-morrow morning at nine o'clock.

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Allison, Bell, Carleton of F., Cooper, Cox, Fitch, Hunt of J., Jamison, McCoy, Parker, Rush, Stewart, Sweetser, Thompson, Wheeler, Wilson of W., and Mr. Speaker—17.

Those who voted in the negative were:

Messrs. Albertson, Arnold, Atherton, Baker, Becket, Bennet, Berkshire, Bowles, Buckles, Butler, Campbell, Carlton of L., Clark, Coats, Cogswell, Conaway, Cutter, Davis, Dunn, Eccles, Edmonson, English, Everts, Farley, Finch, Fisher, Flint, Foster, Frisbie, Garrius, Haddon, Hamer, Hamblen, Henly, Herriman, Hull, Hunt of R., Jackson, Jenckes, Johnson, Jones, Judah, Lane, Lancaster, Lanius, Lee, Long, McGaughey, Miller, Milroy, Monroe, Montgomery, Moore of O., Moore of V., Morgan, Morrison, Nelson of B., Nelson of M., O'Neill, Osborn of F., Osborn of U., Perry, Perviance, Porter, Rippey, Robinson of R., Robinson of Rush, Sands, Shields, Shiveley, Spann, Warriner, White, Wilson of M., Woodard, Worster, and Zenor—77.

So the House refused to adjourn.

On motion,

The House adjourned until to-morrow morning at nine o'clock.

FRIDAY MORNING, DECEMBER 13, 1839.

The House met pursuant to adjournment.

Mr. McCormack, a representative from the county of Fountain now

appeared, produced his credentials, was sworn into office by the Hon. Isaac Blackford, and took his seat.

The Speaker laid before the House the annual report of the State Board of Internal Improvement; which,

On motion of Mr. Bennet,

Was referred to the committee on canals and internal improvements.

The Speaker also laid before the House a communication from John Dumont, Esq., prosecuting attorney of the 3d judicial circuit, on the subject of county seminaries in said circuit; which,

On motion of Mr. Morrison,

Was referred to the committee on education.

Mr. Nelson of Montgomery presented the petition of L. P. Mills and others, on the subject of a change in a State road in Clark township, Montgomery county;

Which was referred to the committee on roads.

Mr. Lee, presented a remonstrance against said petition;

Which was referred to the same committee.

Mr. Robinson of Ripley presented the petition of William B. Campbell, asking compensation for services for going to and returning from Ohio, to obtain an order from the Governor of said State for the removal of Michael S. Hersbon;

Which was referred to the committee on claims.

Mr. Sweetser, from the committee on corporations, made the following report:

MR. SPEAKER—

The committee on corporations to whom was referred an act passed at the last session of the Legislature, entitled "an act to incorporate the Harrison Insurance Company, and returned to the present House of Representatives by the Governor, with his objections thereto, have had the same under their consideration and directed me to report the same to the House, and recommend that said act do not pass;

Which report was concurred in by the House.

Mr. Sweetser, from the same committee, made the following report:

MR. SPEAKER—

The committee on corporations to whom was referred the bill, No. 9, to charter the Evansville Rifle Rangers, have had the same under consideration, and directed me to report the said bill back to the House with the following amendment: Add to the last section of the

bill, "*Provided*, That the Legislature reserve the power at any time hereafter to annul, alter or amend this charter of incorporation;"

Which was concurred in by the House.

The bill was ordered to be engrossed for a third reading on to-morrow.

Mr. Berkshire, from the select committee, to which was referred, the petition of Warner Bufkin and others, of Henry county, have had that matter under consideration, and have directed me to report the following bill, to-wit:

No. 37, a bill to relocate a part of the State road from Indianapolis to New Castle in Henry county;

Which was read the first time and passed to a second reading on to-morrow.

Mr. Monroe, from a select committee, made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of McPheeters and others, praying an additional justice of the peace in the town of Fredericksburgh, have had the same under consideration and directed me to report the following bill, to-wit:

No. 38, a bill to authorize the election of a justice of the peace and constable in the town of Fredericksburgh, in the county of Washington;

Which was read the first time and passed to a second reading on to-morrow.

Mr. Herriman made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of John F. Coburn and others, on the subject of a more uniform mode of doing township business, have had the same under consideration, and directed me to report the following bill, to-wit:

No. 39, a bill to amend an act entitled "an act for a more uniform mode of doing county business in the several counties therein named, approved February 17, 1838;

Which was read the first time and passed to a second reading on to-morrow.

On motion of Mr. McCoy,

Resolved, That the committee on the State bank be instructed to inquire into the value of the stock of the Little Schuylkill and Susquehannah rail road, and whether \$600,000 of the stock of said rail road which has been taken as collateral security, will be a safe indemnity to the State in the event that the Morris canal and banking company

fails to pay over to the State in such instalments as have been agreed upon by said company, \$490,000 part of the amount of bonds sold to said company; the proceeds of which are to be appropriated to the increase of the stock of the State bank; and by what authority the President of the State bank was authorized to dispose of said bonds without good and sufficient security, that the money would be promptly paid upon the maturity of the bonds sold by him for the increase of the stock of the State bank.

On motion of Mr. Woodard,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of so amending the law relative to crime and punishment, that persons fined for offences against the State, and are unable to pay or replevy the same, and are in default thereof, committed to the jail of the county, or confined in the State prison, that he or she shall be credited on the judgment of the court, with the sum of one dollar for each and every day he or she may be so confined, until by this means the judgment of the court may be satisfied; with leave to report by bill or otherwise.

On motion of Mr. Butler,

Resolved, That the committee to whom was referred the resolution to inquire whether the door-keeper has made a *bona-fide* contract with the editors of the Journal and Democrat for three copies of their papers, have power to send for *persons* or *papers*, in order more fully to comply with the spirit of the resolution.

On motion of Mr. Robinson of Ripley,

Resolved, That the committee on the judiciary be instructed to examine the second article of a treaty, made and concluded by and between the U. States and the Pottawatamic tribe of Indians, on the sixteenth day of October 1826, and if said committee should be of opinion, that said article is binding on the United States, as a contracting party, either expressed or implied, to aid in the completion of the Michigan road, that they report to this House a joint resolution instructing our Senators and requesting our Representatives in Congress, to use their influence to obtain an appropriation, either in land or otherwise, for the completion of said road from Lake Michigan to the Ohio river.

On motion of Mr. Moore of O.,

Resolved, That the committee of ways and means inquire into the expediency of repealing the law, approved February 15th, 1839, allowing associate judges three dollars per day; also, to inquire into the expediency of allowing witnesses in the circuit court, one dollar per day, with leave to report by bill or otherwise.

On motion of Mr. Fitch,

Resolved, That the committee on canals and internal improvements be instructed to inquire into the expediency of providing, at as early a day as possible, for the sale of the Wabash and Erie canal lands now unsold, and for rating the lands, the manner of sale and length of credit for part of the purchase money.

On motion of Mr. Hamer,

Resolved, That the committee on ways and means be instructed to inquire what, if any, amendments are necessary, to the law providing for the assessment of the State and county revenue, so as to provide, that when the board doing county business, in any county in the State shall neglect to fix the amount of any license, the county treasurer shall be authorized to receive the minimum amount fixed by law.

On motion of Mr. Morgan,

Resolved, 1st. That agriculture in its various departments is the paramount interest of the State of Indiana.

Resolved, 2d. That it has been greatly improved by legislative aid in other States, and the same can be done and should be done in the State of Indiana.

Resolved, 3d. That the revenue of Indiana is derived chiefly from the farmers, and therefore they have a right to direct the appropriation of it in part to the promotion of their special interests, and the more properly because their prosperity is the basis of the prosperity of all other classes of community.

Resolved, 4th. That the committee on Agriculture be instructed to inquire into the expediency of introducing a bill or bills for the consummation of these important objects.

On motion of Mr. Wilson of M.,

Resolved, That the judiciary committee be instructed to inquire into the expediency of so amending the present law requiring administrators to produce their original letters of administration, in any suit brought by him, as to only require of the administrator a certified copy of his letters, from the clerk of the proper county.

On motion of Mr. Bennet.

Resolved, That the committee on education be instructed to inquire into the expediency of so amending the 11th section of the act "relating to county seminaries, approved Feb. 17th, 1838, that the three persons receiving the highest number of votes shall be elected seminary trustees, notwithstanding the majority of persons voting at such election, may not have voted for seminary trustees;

With leave to report by bill or otherwise

A message from the Senate by Mr. Test their Secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that the Senate has passed an engrossed bill of the House, of No. 32, entitled,

"An act providing for the election of three school commissioners in township No. 14 north of range No. 7 west in Parke county;

Without amendment.

Mr. Osborn of F., made the following report.

Mr. SPEAKER—

The joint committee of an enrolled bill, report, that they have this day compared the following engrossed bills of the House with the enrolled bills, and find the same correctly enrolled, viz:

No 10. An act for the relief of Wesley White, late collector of Putnam county, and his securities.

No. 32. An act providing for the election of three school commissioners in township No. 14 north of range 7 west, in Park county;

Whereupon, the Speaker signed the same.

Ordered, That the clerk carry them to the Senate for the signature of the President.

On motion of Mr. Hunt of J.,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of so amending the execution law, that an execution plaintiff may, at his election, bring suit upon a forfeited delivery bond, or take a new execution, and proceed to collect his debt, upon which the sheriff shall not take a delivery bond, after one has been forfeited.

Mr. Hull introduced the following resolution, to wit:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of so amending the law, regulating the duties of justices of the peace, as to extend their jurisdiction, in actions of debt and assumpsit, to three hundred dollars.

Mr. Milroy moved to strike out the resolution from the resolving clause and insert the following:

“That the judiciary committee be instructed to inquire into the expediency of extending the jurisdiction of justices of the peace, both in civil and criminal cases generally, or in either class, or in any particular case in either class of causes; with leave to report by bill or otherwise.

Mr. Butler moved that the resolution and proposed amendment be laid upon the table,

And the ayes and noes being requested thereon.

Those who voted in the affirmative were:

Messrs. Allison, Atherton, Becket, Bennet, Berkshire, Bowles, Burk, Butler, Carleton of F., Carlton of L., Cogswell, Conaway, Cooper, Cox, Davis, Dunn, Everts, Farley, Finch, Fitch, Flint, Garigus, Haddon, Hamer, Hamblen, Hunt of R., Jackson, Jones, Judah, Lancaster, Lee, M'Cormack, M'Gaughey, Montgomery, Nelson of B., O'Neill, Parker, Perviance, Rippey, Rush, Sands, Shields, Wheeler, Wilson of M. and Mr. Speaker—46.

Those who voted in the negative were:

Messrs. Albertson, Baker, Bell, Clark, Coats, Cutter, Eccles, Edmonson, English, Fisher, Foster, Frisbie, Herriman, Hull, Hunt of J., Jamison, Jenckes, Johnson, Lane, Lanius, McCoy, Miller, Milroy, Monroe, Moore of O., Moore of V., Morgan, Morrison, Nelson of M., Osborn of F., Osborn of U., Perry, Porter, Robinson of J., Robinson of Ripley, Robinson of Rush, Shiveley, Spann, Stewart, Sweetser, Thompson, White, Wilson of W., Woodard, Worster and Zenor.—46.

So said motion was decided in the negative.

Mr. Hunt of J., moved that the resolution and proposed amendment be indefinitely postponed,

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Allison, Arnold, Atherton, Becket, Berkshire, Buckles, Burk, Butler, Carleton of F., Carlton of L., Cogswell, Cooper, Cox, Dunn, Eccles, English, Everts, Farley, Finch, Fitch, Flint, Garrigus, Haddon, Hamblen, Hunt of J., Hunt of R., Jackson, Jones, Judah, Lancaster, Lee, McCormack, McGaughey, O'Neill, Parker, Perviance, Rippey, Robinson of J., Rush, Thompson, Warriner, Wheeler, Wilson of M., and Woodard—44.

Those who voted in the negative were:

Messrs. Albertson, Baker, Bell, Bennet, Clark, Coats, Conaway, Cutter, Davis, Edmonson, Fisher, Foster, Frisbie, Hamer, Henly, Herriman, Hull, Jamison, Jenckes, Johnson, Lane, Lanius, Long, McCoy, Miller, Milroy, Monroe, Montgomery, Moore of O., Moore of V., Morgan, Morrison, Nelson of B., Nelson of M., Osborn of F., Osborn of U., Perry, Porter, Robinson of Ripley, Robinson of Rush, Sands, Shields, Shiveley, Spann, Stewart, White, Wilson of W., Worster, Zenor and Mr. Speaker—49.

So the resolution and proposed amendment were not indefinitely postponed.

The question recurring on the proposed amendment, it was decided in the affirmative.

Mr. Robinson of Ripley proposed further to amend the resolution by adding the following:

“That the clerks of the several circuit courts be, *ex officio*, clerks of all the justices in their counties, and that the president judges be allowed to practice before justices of the peace.”

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Butler, Hunt of J., Jamison, Judah, Robinson of Ripley, and Spann.—6.

Those who voted in the negative were:

Messrs. Albertson, Allison, Arnold, Atherton, Baker, Becket, Bell, Bennet, Berkshire, Bowles, Buckles, Burk, Carleton of F., Carlton of L., Clark, Coats, Cogswell, Conaway, Cooper, Cox, Cutter, Davis, Dunn, Eccles, Edmonson, English, Everts, Farley, Finch, Fitch, Flint, Foster, Frisbie, Garrigus, Haddon, Hamer, Hamblen, Henly, Herriman, Hull, Hunt of R., Jackson, Jenckes, Johnson, Jones, Lane, Lancaster, Lanius, Lee, Long, McCormack, McCoy, Miller, Milroy, Monroe, Montgomery, Moore of O., Moore of V., Morgan, Morrison, Nelson of B., Nelson of M., O'Neill, Osborn of F., Osborn of U., Parker, Perry, Perviance, Porter, Rippey, Robinson of Rush, Rush, Sands, Shields, Shiveley. Stewart, Sweetser, Thompson, Warriner, White, Wilson of M., Wilson of W., Woodard, Worster, Zenor, and Mr. Speaker.—56.

So the amendment to the amendment was not adopted.

On motion of Mr. Moore of O.,

The resolution was amended by striking out "judiciary committee" and inserting "a select committee of five."

Mr. Bowles moved that the resolution be laid upon the table,
And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Allison, Arnold, Atherton, Becket, Berkshire, Bowles, Buckles, Butler, Clark, Cogswell, Cooper, Cox, Davis, Dunn, Farley, Fitch, Flint, Garrigus, Haddon, Hamer, Hamblen, Hunt of R., Jackson, Jones, Judah, Lane, Lancaster, Lee, McCormack, Montgomery, Nelson of B., O'Neill, Parker, Rippey, Rush, Shields, Spann, Wilson of M., Woodard, Zenor and Mr. Speaker.—41.

Those who voted in the negative were:

Messrs. Albertson, Baker, Bell, Bennet, Burk, Carleton of F., Carlton of L., Coats, Conaway, Cutter, Eccles, Edmonson, English, Everts, Finch, Fisher, Foster, Frisbie, Henly, Herriman, Hull, Jamison, Jenckes, Johnson, Lanius, Long, McCoy, Miller, Milroy, Monroe, Moore of O., Moore of V., Morgan, Morrison, Nelson of M., Osborn of F., Osborn of U., Perry, Perviance, Porter, Robinson of J., Robinson of R., Robinson of Rush, Sands, Shively, Stewart, Sweetser, Thompson, Warriner, White, Wilson of W., and Worster.—52.

So the resolution was not laid upon the table.

Mr. Allison now moved that the resolution, as amended, be postponed until the first Monday in January next;

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Allison, Arnold, Atherton, Farley, Fitch, Judah, Lane, Lancaster, Lee, Parker, Robinson of Ripley, Rush, Shields, Spann, Wilson of M., and Zenor.—16.

Those who voted in the negative were:

Messrs. Albertson, Baker, Becket, Bell, Bennet, Berkshire, Bowles, Buckles, Burk, Butler, Carleton of F., Carlton of L., Clark, Coats, Conaway, Cooper, Cox, Cutter, Davis, Dunn, Eccles, Edmonson, English, Everts, Finch, Fisher, Foster, Frisbie, Garrigus, Haddon, Hamer, Hamblen, Henly, Herriman, Hull, Hunt of J., Hunt of R., Jackson, Jamison, Jenckes, Johnson, Jones, Lanius, Long, McCoy, Miller, Milroy, Montgomery, Moore of O., Moore of V., Morgan, Morrison, Nelson of Boone, Nelson of M., O'Neill, Osborn of F., Osborn of U., Perry, Perviance, Porter, Rippey, Robinson of J., Robinson of Rush, Sands, Shiveley, Stewart, Sweetser, Thompson, Warriner, White, Wilson of W., Woodard, Worster and Mr. Speaker.—74.

So the motion was decided in the negative.

The question recurring on the adoption of the resolution, as amended,

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Arnold, Atherton, Baker, Becket, Bennet, Bowles, Buckles, Burk, Carleton of F., Clark, Conaway, Cutter, Davis, Edmonson, English, Everts, Finch, Fisher, Fitch, Flint, Foster, Frisbie, Garrigus, Hamer, Hamblen, Henly, Herriman, Hull, Hunt of J., Hunt of R., Jenckes, Johnson, Lane, Lancaster, Lanius, Long, McCoy, Miller, Milroy, Moore of O., Moore of V., Morgan, Morrison, Nelson of B., Nelson of M., Osborn of F., Osborn of U., Parker, Perry, Perviance, Porter, Robinson of Rush, Rush, Sands, Shields, Shiveley, Spann, Stewart, Thompson, Warriner, White, Wilson of M., Wilson of W., Worster and Mr. Speaker.—66.

Those who voted in the negative were:

Messrs. Allison, Bell, Berkshire, Butler, Carlton of L., Coats, Cooper, Dunn, Eccles, Farley, Haddon, Jackson, Jamison, Jones, Judah, Lee, McGaughey, Montgomery, O'Neill, Rippey, Robinson of J., Robinson of R., Woodard, and Zenor—24

So the resolution, as amended, was adopted. Messrs. Hull, Arnold, Atherton, Sands, and Shiveley, were appointed the committee on said resolution.

Mr. Lane, from the committee on canals and internal improvements, reported a bill,

No. 40, for the relief of unpaid contractors on the public works;

Which was read the first time, and passed to a second reading.

On motion of Mr. Judah,

One hundred copies were ordered to be printed for the use of the House.

On motion,

The House adjourned till two o'clock, P. M.

Two o'clock, P. M.

The House met pursuant to adjournment.

Mr. Wilson of M. introduced a bill,

No. 41, to amend an act, entitled "An act to attach one fourth of township, No. 30, north of range four east, to the county of Fulton;

Which was read the first time, and passed to a second reading on to-morrow.

Mr. Butler introduced a bill,

No. 42, to amend an act, entitled "An act fixing the time of holding courts in the fourth judicial circuit;"

Which was read the first time, and passed to a second reading.

Mr. Sweetser introduced a bill,

No. 43, to amend an act, entitled "An act organizing the supreme court, and defining its powers and duties;" approved February 17th, 1838, which was read the first time, and passed to a second reading.

Mr. Allison introduced a bill,

No. 44, to incorporate the Point Commerce Manufacturing and Trading company and for other purposes;

Which was read the first time, and passed to a second reading on to-morrow.

The House now proceeded to the consideration of the orders of the day.

Bill, No. 1. to abolish imprisonment for debt. first in order.

The pending question being a motion to commit the bill to the judiciary committee.

Mr. Cutter now moved instructions to said committee, and a point of order being raised.

The Speaker decided the said question out of order. as tending to strike out matter which had been inserted, by way of amendment to the bill. by the House.

The previous question was now called for by Mr. Miller, and being seconded by a majority of the House; and

On the question. Shall the previous question be now put? It was decided in the affirmative.

The previous question being, Shall the bill pass? The same was put,

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Allison, Arnold, Butler, Cutter, Davis, Eccles, English, Everts, Fisher, Flint, Frisbie, Hamer, Hamblen, Herriman, Hull, Hunt of J., Hunt of R., Jenckes, Judah, Lancaster, Lanius, Long, McCormack, Milroy, Monroe, Moore of O., Morgan, Morrison, O'Neill, Perry, Porter, Rippey, Shields, Shiveley, Spann, Warriner, White, Wilson of M., and Wilson of W.—40.

Those who voted in the negative were:

Messrs. Atherton, Baker, Becket, Bell, Bennet, Berkshire, Bowles, Buckles, Burk, Carleton of F., Carlton of L., Clark, Coats, Cogswell, Conaway, Cooper, Cox, Dunn, Edmonson, Farley, Finch, Foster, Garrigus, Haddon, Henly, Jackson, Jamison, Johnson, Jones, Lee, McCoy, McGaughey, Miller, Montgomery, Moore of V., Nelson of B., Osborn of F., Osborn of U., Parker, Perviance, Robinson of J., Robinson of R., Robinson of Rush, Rush, Sands, Stewart, Sweetser, Thompson, Wheeler, Woodard, Worster, Zenor, and Mr. Speaker—54.

So the bill was lost.

No. 31, a bill to provide for the election of a justice of the peace in the town of New London, in Daviess county, was read the second time, and ordered to be engrossed for a third reading on to-morrow.

No. 33, a bill legalizing the acts and proceedings of the trustees of School District Township No. six, north of Range No. nine west, in Sullivan county, relating to the town of Edwardsport, was read the second time, and ordered to be engrossed for a third reading on to-morrow.

No. 34, a bill to vacate the town of Bath, was read the second time, and ordered to be engrossed for a third reading on to-morrow.

No. 35, a bill for the benefit of persons who are likely to suffer by the destruction of the records of Dubois county, was read the second time; and

On motion,

Referred to the judiciary committee.

No. 36, a bill for the relief of the collector of Porter county, was read the second time; and on motion of Mr. Bennet, committed to the committee on canals and internal improvements.

Bills and joint resolutions were now taken up on their third reading.

No. 2, a bill for the relief of the collector of Laporte county;

No. 4, a joint resolution, relating to the duty of the enrolling clerks of the two Houses of the General Assembly;

No. 6, a bill for the relief of the heirs of Robert Meek, deceased;

No. 8, to recover the value of sheep killed by dogs;

No. 12, a bill to change the time of holding courts in the eleventh judicial circuit;;

No. 13, a bill to change the name of Levina Fallis.

No. 15, a bill to provide for the election of a justice of peace in the town of Manhattan, in Putnam county;

No. 17, a joint resolution in relation to the claim of this State, for lands to complete the Wabash and Erie canal;

No. 22, a bill to vacate part of a street in the town of Brookville;

No. 23, a bill to incorporate the New Washington Seminary;

No. 24, a bill for the relief of James Copeland and Macklin Copeland;

No. 28, a bill to regulate the jurisdiction of justices of the peace in Boone county;

No. 30, a bill supplemental to an act relating to public roads and highways; approved February 17th, 1838,

Were severally read a third time and passed.

On motion,

The House adjourned until to-morrow morning, at nine o'clock.

SATURDAY MORNING, DECEMBER 14, 1839.

The House met pursuant to adjournment.

Mr. Woodard presented the remonstrance of Elias Thomas and Elias C. Thomas against a change in the Madison and Indianapolis State road in Jefferson county;

Which was referred to the select committee heretofore appointed on that subject.

Mr. Rush presented the petition of John Massey, collector of St. Joseph county;

Which was referred to a select committee of Messrs. Rush, Everts and Cooper.

Mr. Long made the following report:

MR. SPEAKER—

The committee on ways and means, to whom was referred, a bill for the relief of the collector of Fayette county, have had the same under consideration. The committee, after a full examination of the provisions of the bill, are of the opinion, that the relief proposed should be granted; therefore, have directed me to report the bill to the House, without amendment, and recommend its passage.

The bill, No. 14, mentioned in the report, was ordered to be engrossed for a third reading.

Mr. Robinson of J., from the committee on the judiciary, to which the subject was referred, reported the following bill, to-wit:

No. 45, a bill to amend an act subjecting real and personal estate to execution, approved February 4, 1831;

Which was read the first time, and

On motion,

Read the second time, (the rule being dispensed with,) laid on the table, and 100 copies ordered to be printed.

Mr. Shiveley, made the following report:

MR. SPEAKER—

The select committee to whom was referred, the petition of Abraham Lee and others, of the county of Grant, in relation to the jurisdiction of justices of the peace in said county, have had the same under consideration, and they have directed me to report a bill,

No. 46, a bill regulating the jurisdiction of justices of the peace in Grant county;

Which was read the first time and passed to a second reading.

Mr. Miller made the following report:

MR. SPEAKER—

The committee, to whom was referred, the petition of Daniel Crowley of Gibson county, have had the same under consideration, and have instructed me to report the following bill, viz:

No. 47, a bill to vacate the town of Economy in Gibson county;

Which was read the first time and passed to a second reading.

Mr. Fisher moved to take up the reports of the majority and minority of the committee, on the subject of public printer of this House; which motion was decided in the affirmative.

Mr. Fitch moved that the House concur in the report of the majority of the committee.

Mr. Garrigus called for the previous question.

And the ayes and noes being requested on said call.

Those who voted in the affirmative were:

Messrs. Garrigus, Shields, and White—3.

Those who voted in the negative were:

Messrs. Albertson, Allison, Arnold, Atherton, Baker, Becket, Bell, Bennet, Berkshire, Bowles, Buckles, Burk, Butler, Campbell, Carleton of F., Carlton of L., Clark, Coats, Cogswell, Conaway, Cooper, Cox, Cutter, Davis, Dunn, Eccles, Edmonson, English, Everts, Farley, Finch, Fisher, Fitch, Flint, Foster, Frisbie, Haddon, Hamer, Hamblen, Herriman, Hull, Hunt of J., Hunt of R., Jackson, Jami-

son, Jenckes, Johnson, Jones, Judah, Lane, Lancaster, Lanius, Lee, Long, McCormack, McCoy, McGaughey, Miller, Milroy, Monroe, Montgomery, Moore of O., Moore of V., Morgan, Morrison, Nelson of B., Nelson of M., O'Neill, Osborn of C., Osborn of F., Osborn of U., Parker, Perry, Perviance, Porter, Rippey, Robinson of J., Robinson of Ripley, Robinson of Rush, Rush, Sands, Shiveley, Spann, Stewart, Sweetser, Thompson, Warriner, Wheeler, Wilson of M., Wilson of W., Woodard Worster, Zenor and Mr. Speaker—93.

So said call was not seconded by a majority of the House.

Mr. Osborn of F., made the following report:

MR. SPEAKER—

The joint committee on enrolled bills report that they did this day present to His Excellency the Governor for his approval and signature, the following entitled acts of the House, viz:

An act for the relief of Wesley White late collector of Putnam county, and his securities.

An act for the election of three school commissioners in township No. 14, north of range No. 7 west, in Parke county.

Message from the Governor, by Mr. Moore his private Secretary:

MR. SPEAKER—

I am directed by the Governor to inform the House of Representatives that he did on this day approve and sign acts which originated in the House of Representatives of the titles following, to-wit:

“An act providing for the election of three school commissioners in township No. 14 north, of range No. 7 west, in Parke county.”

“An act for the relief of Wesley White late collector of Putnam county, and his securities.

On motion,

The House adjourned until two o'clock P. M.

Two o'clock, P. M.

The House met pursuant to adjournment; and

Resumed the consideration of the resolution appended to the report of the majority of the committee, on the subject of public printer to this House; the question being on its adoption, and the concurrence in the report of the committee.

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Arnold, Bowles, Carleton of L., Clark, Conaway, Davis, Eccles, Edmonson, English, Fisher, Fitch, Foster, Frisbie, Garrigus, Haddon, Hamblen, Henly, Herriman, Hull, Hunt of J., Johnson, Lane, Lanius, Lee, Long, McCormack, McCoy, Miller, Milroy, Monroe, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of F., Osborn of U., Perry Porter, Rippey, Robinson of Rush, Sands, Shields, Shiveley, Southard, Stewart, Wariner, Wheeler, White, Wilson of W., Worster and Mr. Speaker—53.

Those who voted in the negative were:

Messrs. Allison, Atherton, Baker, Becket, Bell, Bennet, Berkshire, Buckles, Burk, Butler, Campbell, Carlton of F., Coats, Cooper, Cox, Cutter, Dunn, Everts, Farley, Finch, Flint, Hamer, Jackson, Jamison, Jenckes, Jones, Judah, Lancaster, McGaughey, Montgomery, Morgan, O'Neill, Osborn of C., Parker, Perviance, Robinson of J., Robinson of Ripley, Rush, Spann, Sweetser, Thompson, Wilson of M., Woodard and Zenor—44.

So the resolution was adopted and the report of the committee concurred in.

Mr. Butler gave notice that he would on to-morrow, move the following resolution, to-wit:

Resolved, That it shall be the duty of the clerk, hereafter, to place upon the Journal the names of all members calling for the ayes and noes; and that this shall be considered, hereafter, one of the standing rules of this house.

Mr. Cutter moved to amend said motion by adding the following:

"Also, the name of any person calling the previous question;"

Which amendment was adopted.

On motion,

The House adjourned until Monday morning next at nine o'clock.

MONDAY MORNING, DECEMBER 16, 1839.

The House met pursuant to adjournment.

Mr. Gardner, a representative from the county of Vermillion appeared, produced his credentials, was sworn into office by the Hon. Isaac Blackford, one of the Judges of the Supreme court, and took his

seat as a member of this House for the present session of the General Assembly.

The Speaker laid before the House, the following communication:

STATE BANK,
Indianapolis, Dec. 14, 1839.

Hon. James G. Read,

Speaker of the House of Representatives.

SIR:—Annexed is the information contained, in a letter this morning received, from Mr. Merrill, at New York, relative to the state of the negotiation with the Morris canal and banking company for additional bank capital for the State, which Mr. Merrill made with them last season, and which information he would doubtless desire to have laid before the House of Representatives.

Very respectfully,
your obedient servant,
JAMES M. RAY, Cashier.

New York, Dec. 6, 1839.

“DEAR SIR—

We have just returned from a long consultation with Messrs. Biddle and Lord. They propose very fairly, as to giving security, which by their representations will be ample; but of this we must ascertain more particularly from others. I hope matters will be arranged without any great detention: yet, that we be not deceived, as to the value of the stock, property, &c. proposed to be mortgaged to us, it will not do to be in too much haste.

On the whole, matters appear rather more favorable than from the gloomy countenances at the bank on yesterday, I had feared.

The news from England, by the Liverpool steamer, which came in last evening, may have contributed somewhat to the change. It would seem that money matters are somewhat easier in England, and that the worst there is past. This is by no means certain however, and as to our own country, there are other depths, I fear, before us. The new banks here, and banks south are certainly in a critical situation.

S. MERRILL.”

The above communications were read and referred to the committee on the State bank.

The speaker also laid before the House a report from the fund commissioners, in answer to a resolution of the 10th inst;

Which was read; and

On motion of Mr. Jenckes,

Referred to the committee on canals and internal improvements, and one hundred copies ordered to be printed.

The resolution moved by Mr. Butler on yesterday, as amended by Mr. Cutter, on the subject of amending the rules of this House so that the names of gentlemen calling for the ayes and noes and previous question shall be recorded on the journals by the clerk, was taken up and adopted.

A message from the Senate by Mr. Test their secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed bills of the House as follows, viz:

No. 2. Entitled "An act for the relief of the collector of Laporte county."

No. 15. "An act to provide for the election of a justice of the peace in the town of Manhattan in Putnam county."

Each without amendment.

Mr. Wilson of M. presented the petition of William M. Rayburn, remonstrating against a certain State road therein named;

Which was referred to the committee on roads.

Mr. Fisher presented the memorial of the representatives of the religious society of Friends, called Quakers, of Indiana yearly meeting, from their meeting for suffrages, held at White Water, in Wayne county.

Which was referred to a select committee of Messrs. Fisher, Sweetser and Parker.

Mr. Milroy presented the petition of Robert Graham and others, for a State road from Delphi in carroll county, to Marion in Grant county;

Which was referred to the same committee to which a petition on the same subject was referred.

Mr. Hunt, from a select committee to which was referred the petition and remonstrance from citizens of Jefferson county, in relation to a change in the Madison and Indianapolis State road, reported the same back to the House, with a request that they be referred to the committee on roads;

Which request was granted, and the documents referred accordingly.

On motion of Mr. Everts,

Resolved, That the committee of ways and means be instructed to inquire into the expediency of amending so much of the revenue law as requires the unpaid tax on non-resident lands, &c. to be assessed and collected, at a rate of fifty to one hundred per cent., more than it would otherwise have been, so that only ten per cent. absolute, on the principal, and a running interest, at the rate of six per centum, on the aggregate amount from the time it became due until paid, shall be charged and collected; with instructions to report by bill or otherwise, at as early a day as practicable.

On motion of Mr. Albertson,

Resolved, That the committee on canals and internal improvements be instructed to inquire into the expediency of causing a nett and full estimate, at contract prices, to be made of all the work done on the several public works, together with the ten per cent. heretofore kept back on said works, in order that each contractor may receive full pay for his services, so soon as means can be obtained for that purpose.

On motion of Mr. Hull,

Resolved, That the Speaker of the House appoint a committee of three, whose duty it shall be to confer, or open a correspondence with the contractors upon our public works, and ascertain what amount of State bonds they will take, at par, in liquidation of debts due them by the State; whereupon, the report of said committee shall be referred to the committee of ways and means, with instructions to report by bill or otherwise.

Messrs. Hull, Bell and McCormack, were appointed said committee.

On motion of Mr. Morrison,

Resolved, That the committee on canal and internal improvements be instructed to inquire into the expediency of authorizing the chief engineer to cause estimates to be made of all damages sustained by contractors who suspended operations on the public works, agreeably to a late order of the board of internal improvements; also the amount of damages sustained by contractors who did not suspend, where such damages would have accrued, had said order been promptly obeyed; with leave to report by bill or otherwise.

Mr. Albertson moved for adoption the following resolution, to wit:

Resolved, That the committee on canals and internal improvements inquire into the practicability of ascertaining how it happens, that three cents on the yard are kept back from some contractors when but one cent only is withheld from other contractors on works of a similar character.

Mr. Henly moved to amend said resolution by adding the following:

“And also what amount of work has been done by contractors, since the order by the House to suspend operations;”

Which amendment was adopted.

The resolution, as amended, was then adopted.

On motion of Mr. Cooper,

Resolved, That so much of the Governor's message as relates to the joint resolution of the State of Ohio, on the Maine boundary question be, with said resolutions, referred to a select committee of three.

Messrs. Cooper, Judah, and Robinson of J. were appointed said committee.

On motion of Mr. Eccles,

Resolved, That the committee on the State bank be instructed to inquire what amount of State bonds are now in the possession of the State Bank of Indiana and its branches; from whom they purchased

said bonds; what was the consideration for which they obtained them; for what and for whose use they hold them; what interest, if any, said bank and branches have in said bonds, and whether the State is receiving any benefit or revenue from them.

On motion of Mr. McGaughey,

Resolved, That the judiciary committee be instructed to inquire into the expediency of giving concurrent jurisdiction to the Probate courts and justices of the peace in all suits against decedants estates, when the sum demanded shall not exceed fifty dollars; and exclusive jurisdiction to the Probate courts in all such cases exceeding that amount; with leave to report by bill or otherwise.

On motion of Mr. Eccles,

Resolved, That the Cashier of the State bank of Indiana inform the House of Representatives, whethersuit has been instituted against any of the branches of said bank, for the non-payment of its notes, and if so, what branch; and at what time said suit or suits were instituted, and what was the result of such prosecution.

Mr. Farley moved to reconsider the vote taken on the 12th inst., on concurring in the report of the committee on canals and internal improvements, on the subject of a correspondence with Ohio, relative to the Wabash and Erie Canal;

Which motion was decided in the affirmative.

The report was then amended, so as to authorize the Governor to entertain said correspondence, instead of the Speaker of this house.

The report was then adopted.

On motion of Mr. Bell,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of so amending the law, regulating crime and punishment, that it shall be discretionary with the jury to dispense with imprisonment in any case, where a party may be found guilty of malicious trespass; and that they have leave to report by bill or otherwise.

On motion of Mr. Haddon,

Resolved, That the committee on ways and means be instructed to inquire into the expediency of authorizing the different counties to elect assessors and collectors of taxes, and also the expediency of appointing a day or days for the citizens of the different townships in the different counties to meet the assessors and collectors, at the proper times of assessing and collecting taxes, and give to the assessor a list of their taxable property, and pay to the collector their proper amounts of taxes; with leave to report by bill or otherwise.

Mr. Morrison, from the committee on enrolled bills, made the following report:

MR. SPEAKER--

The joint committee on enrolled bills have compared the engrossed

with the enrolled joint resolution of the Senate, No. , in relation to the duties of the enrolling clerks of both Houses, and find the same correctly enrolled.

Whereupon, the Speaker signed the same.

On motion of Mr. Cooper,

Resolved, That the committee of ways and means be, and they are hereby instructed to prepare an accurate statement of the receipts and expenditures of the public money which has been laid out and expended for the year 1839, to be published with the laws of the present session of the general assembly; and said committee shall have power to call on any person or persons, for such information as they may deem necessary.

Mr. Eccles moved the adoption of the following resolution, to-wit:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of so amending the laws regulating the internal improvements of this State, that if any officer appointed by said laws or other proper authority to manage any of its concern, or any contractor on any work or works belonging to the said section of internal improvements, should be guilty of any fraud by which the State or the hands engaged upon said works should be likely to suffer loss, that any person interested his agent or attorney, shall in addition to the common law remedy of *capias ad respondendum* have the benefit of the writ of attachment, to seize and detain his goods and chattles until he render a just account of his doings.

Also into the expediency of revising the laws of this State, concerning damages to persons through whose lands the public works may pass.

Mr. Judah moved to change the reference from "judiciary committee" to "committee on canals and internal improvements;"

Which motion was decided in the negative.

The resolution was then adopted.

Mr. McGaughey, moved the following resolution:

Resolved, That the committee on roads be instructed to inquire into the expediency of so amending the present road law, that hereafter the petitioners for a county road, shall be bound in all cases to clear out and open the same convenient for travel, and that they have leave to report by bill or otherwise;

Which resolution was not adopted.

On motion of Mr. McCoy,

Resolved, That the committee of ways and means be instructed to take into consideration the propriety of reporting a bill to this House, providing that lands lying directly on or near any of the public works be taxed at a higher rate than lands of a corresponding quality and improvements remotely situated from any of the public works.

Mr. Jones offered for adoption the following resolution:

Resolved, That the committee of ways and means be directed to inquire into the expediency of reducing the per diem allowance of

members of the Legislature and other officers; with leave to report by bill or otherwise.

Mr. Carleton of F. moved to strike out the word "reducing," and insert "increasing."

Mr. Bennet called for a division of the question; when

Mr. Wilson of M. moved to lay the resolution and proposed amendment upon the table,

And the ayes and noes being requested thereon, by Messrs. Jones and Judah.

Those who voted in the affirmative were:

Messrs. Albertson, Atherton, Baker, Berkshire, Bowles, Butler, Carleton of F., Carlton of L., Coats, Conaway, Cutter, Davis, Dunn, English, Everts, Finch, Fisher, Fitch, Gardner, Henly, Hull, Hunt of J., Jamison, Jenckes, Johnson, Lee, McCormack, Milroy, Monroe, Moore of V., Morrison, Nelson of B., Osborn of F., Parker, Perry, Perviance, Porter, Rippey, Robinson of Ripley, Robinson of Rush, Southard, Spann, Stewart, Sweetser, Warriner, Wheeler, White, Wilson of M., Wilson of W., Woodard, Worster, Zenor and Mr. Speaker—53.

Those who voted in the negative were:

Messrs. Allison, Arnold, Becket, Bell, Bennet, Buckles, Burk, Campbell, Clark, Cogswell, Cooper, Cox, Eccles, Edmonson, Farley, Flint, Foster, Frisbie, Garrigus, Haddon, Hamer, Hamblen, Herriman, Hunt of R., Jackson, Jones, Judah, Lane, Lancaster, Lanius, McCoy, McGaughey, Miller, Montgomery, Moore of O., Morgan, Nelson of M., O'Neill, Osborn of C., Osborn of U., Robinson of J., Rush, Sands, Shields, Shiveley and Thompson—46.

So said resolution and proposed amendment were laid upon the table.

Mr. Cutter offered for adoption the following preamble and resolution:

Resolved, That whereas the first section of the ninth article of the Constitution of the State of Indiana declares "that knowledge and learning generally diffused through a community being assential to the preservation of a free government, and spreading the opportunities of education; the various parts of the country being highly conducive to this end, it shall be the duty of the General Assembly to provide by law for the improvement of such lands as are, or may hereafter be granted, by the United States, to this State, for the use of schools, and to apply any funds which may be raised from such lands, or from any other quarter, to the grand object for which they were intended; and whereas our institutions of education have been grievously neglected or mismanaged; and whereas this state is by the patriotism

and wisdom of those who governed its destinies at an early period of its existence, amply provided with the means,"

Therefore be it resolved, That the committee on education be instructed to report a bill to this House, providing for the reorganization of common schools throughout this state, and for an immediate application of all the proper means which the state has under her control to the furtherance of the interest and success of common schools; and that they report said bill to this House as soon as practicable.

Mr. Moore of V., moved to strike out the preamble to said resolution;

And the ayes and noes being requested thereon, by Messrs. Cutter and Osborn of Clay,

Those who voted in the affirmative:

Messrs. Arnold, Baker, Beckett, Bowles, Buckles, Campbell, Carlton of L., Clark, Edmonson, English, Foster, Gardner, Hamblen, Hunt of J., Johnson, Jones, Milroy Montgomery, Moore of O., Moore of V., Nelson of B., Porter, Stewart, Sweetser, and Wheeler—24.

Those who voted in the negative were:

Messrs. Albertson, Allison, Atherton, Bell, Bennet, Berkshire, Burk, Butler, Carleton of F., Coats, Cogswell, Conaway, Cooper, Cox, Cutter, Davis, Dunn, Everts, Farley, Fisher, Fitch, Flint, Frisbie, Garrigus, Had-don, Hamer, Henly, Herriman, Hull, Hunt of R., Jackson, Jamison, Jenckes, Judah, Lane, Lancaster, Lanius, Lee, McCormack, McGauhey, Miller, Monroe, Morgan, Morrison, Nelson of M., Osborn of C., Osborn of F., Osborn of U., Parker, Perry, Perviance, Rippey, Robinson of Ripley, Robinson of Rush, Rush, Sands, Shields Shiveley, Southard, Spann, Thompson, Warriner, White, Wilson of M., Wilson of W., Woodard, Worster, Zenor and Mr. Speaker.—70.

So said motion was decided in the negative.

The resolution was then adopted.

Mr. Carleton of F. offered for adoption the following resolution:

Resolved, That the judiciary committee be instructed to inquire into the expediency of repealing so much of an act, entitled "an act regulating prison and prison bounds, approved February 17th, 1838" as says "that the prison bounds of the several counties in this state shall extend to and be bounded by the limits of their counties," with leave to report by bill or otherwise.

On the question of adoption, it was decided in the negative.

On motion of Mr. Moore of O.,

Resolved, That the committee on the canal fund be instructed to enter upon the examination of the fund commissioners forthwith, and report to this House as soon as practicable the result of that examination.

Mr. Bowles moved for adoption the following resolution:

Resolved, That this House will, at 2 o'clock P. M., of this day, go into the election of a printer to this House.

Mr. Judah proposed to amend the resolution by adding the following:

"To serve during the existence of the present House, and until the first Monday of August next,

And the ayes and noes being requested on said amendment, by Messrs. Judah and Butler,

Those who voted in the affirmative were:

Messrs. Allison, Atherton, Becket, Bell, Bennet, Berkshire, Burk, Butler, Coats, Cooper, Cox, Cutter, Dunn, Everts, Flint, Jackson, Jamison, Jenckes, Jones, Judah, Lancaster, Montgomery, Morgan, O'Neill, Parker, Robinson of J., Robinson of Ripley, Spann, Thompson, Woodard and Zenor.—31

Those who voted in the negative were:

Messrs. Albertson, Arnold, Baker, Bowles, Buckles, Campbell, Carleton of F., Carleton of L., Clark, Cogswell, Conaway, Davis, Eccles, Edmonson, English, Farley, Fisher, Fitch, Foster, Frisbie, Gardner, Garrigus, Haddon, Hamer, Hamlin, Henly, Herriman, Hull, Hunt of J., Hunt of R., Johnson, Lane, Lanius, Lee, Long, McCormack, McCoy, Miller, Milroy, Monroe, Moore of O., Moore of V., Morrison, Nelson of B., Nelson, of M., Osborn of F., Osborn of U., Perry, Perviance, Porter, Rippey, Robinson of Rush, Rush, Sands, Shields, Shiveley, Southard, Stewart, Sweetser, Warriner, Wheeler, White, Wilson of M., Wilson of W., Worster and Mr. Speaker—66.

So said amendment was not adopted.

Mr. Fitch moved to amend the resolution by adding thereto the following:

"To serve as such until his successor shall be elected and qualified;"

Which motion was decided in the affirmative.

Mr. Thompson moved further to amend said resolution, by adding after the word "election," the words *viva voce*; which was consented to by the House.

Mr. Herriman moved to strike out "two o'clock P. M." and insert the word "now."

Which motion was decided in the negative.

Mr. Sweetser moved to reconsider the vote on inserting in the resolution the words *viva voce*;

Which motion prevailed.

On the question being taken on inserting said words, it was decided in the negative; and

On the question, shall said resolution, as amended, be adopted?

The ayes and noes being requested by Messrs. Jones and Judah,

Those who voted in the affirmative were:

Messrs. Albertson, Arnold, Bowles, Buckles, Carleton of F., Carleton of L., Clark, Cogswell, Conaway, Davis, Eccles, Edmonson, English, Farley, Fisher, Fitch, Foster, Frisbie, Gardner, Garrigus, Haddon, Hamblen, Henly, Herriman, Hull, Hunt of J., Johnson, Lane, Lanius, Lee, Long, McCormack, McCoy, Miller, Milroy, Monroe, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of F., Osborn of U., Perry, Perviance, Porter, Rippey, Robinson of Rush, Sands, Shields, Shiveley, Southard, Spann, Stewart, Warriner, Wheeler, White, Wilson of W., Worster and Mr. Speaker—60.

Those who voted in the negative were:

Messrs. Allison, Atherton, Baker, Becket, Bell, Bennet, Berkshire, Burk, Butler, Campbell, Coats, Cooper, Cox, Cutter, Dunn, Everts, Finch, Flint, Hamer, Hunt of R., Jackson, Jamison, Jenckes, Jones, Judah, Lancaster, McGaughey, Montgomery, Morgan, O'Neill, Parker, Robinson of J., Robinson of Ripley, Rush, Sweetser, Thompson, Wilson of M., Woodard and Zenor—39.

So said resolution was adopted.

The Speaker laid before the House the following communication, to wit:

To the Hon. Speaker of the House of Representatives:

SIR,—The office or appointment of Messrs. Osborn & Chamberlain, Printers of the state for the House of Representatives, being declared unconstitutional and vacant by a majority of the committee appointed by your body, "to inquire whether there was a State Printer to this House or not," by the following resolution: "Resolved that there is now no rightful printer to this House:"

Therefore the office or appointment of State Printer to this House being declared vacant, we most respectfully present ourselves before your Honorable body as candidates for the office or appointment of State Printer for the House of Representatives for this session.

And as economy is the paramount object of your body, we propose the following reductions in the prices as fixed by an act of the Legislature passed in the session of 1836-7, to wit: 45 cents per 1000 ms plain work; 73½ cents per 1000 ms figured work, and \$1.05 per 1000 rule and figure work, which will make a difference of 20 cents per 1000 ms, or about 35½ per cent. discount upon the whole job, or amount of work for the present session; or to take the last bill made out and allowed to Bolton and Livingston, (printers to the House of Representatives) as a standard, there would be a saving to the State, in this one item alone, of nearly fifteen hundred dollars.

Being fully aware that a press can be sustained by the prices proposed, we are induced to present our claims before your Honorable body, as applicants for the office or appointment of State Printers to the

House of Representatives; not only for the profit it may afford, but that we may not sustain the heavy loss, that we otherwise must, from the heavy and extensive arrangements that we have entered into for doing the work of the State for Osborn and Chamberlain; and not from any motive or disposition to injure ourselves or our neighbors.

Believing that your Honorable body will fully appreciate our object and motives and give to our claims that consideration and action you may think they merit or claim at your hands, the above is most respectfully submitted.

STACY AND WILLIAMS.

Dec. 16, 1839.

The Speaker also laid before the House the following communication from the "Indianapolis Typographical Society," to-wit:

REMONSTRANCE.

*To the honorable the House of Representatives
of the State of Indiana.*

Whereas, The Indianapolis Typographical Society have been informed that Messrs. Stacy and Williams propose to execute the printing of the House of Representatives at a much lower rate than that fixed by law for the same: And whereas, it is derogatory of the rights and interests of the printing business, and will have a tendency to cause journeymen printers to seek employment elsewhere; therefore,

Be it resolved by the Indianapolis Typographical Society, That we consider the said proposition as detrimental to the interests and rights of printers in general, and that we whose names are hereunto affixed will not aid in the execution of said work if taken as proposed, and that we are of opinion that journeymen cannot be procured to do the same.

The above communication was read; and

A. C. BREWER,
M. GALWAY,
J. BRANDON,
CHAS. G. WARNER,
WM. H. LEWIS,
GEO. McKAY,
MARCUS A. STOREY,
J. M. HARKNESS,
A. G. SPALDING,
JAS. B. GENTLE,

DAVID GEORGE,
JOHN S. COLE,
THOS. Y. RUSSELL,
HENRY GAVER,
J. DAUGHERTY,
GEO. BRANNAN,
W. H. MAY,
ENOCH MAY,
R. RANDALL.

On motion of Mr. Bennet,

Referred to the committee on the affairs of the town of Indianapolis.

Mr. Fisher introduced

No. 48, a joint resolution relating to contractors on public works; Which was read the first time and passed to a second reading.

Mr. Thompson presented the following protest; which was ordered to be entered upon the journal, to-wit:

The undersigned members of the House of Representatives hereby protest against the adoption of the resolution, that there is not now any rightful printer to the House—and this, for the following causes, amongst others:

That it appears by the evidence, that the printers to the House heretofore elected, by themselves or their agents, have heretofore discharged their duty, and at the present session have performed it in a superior manner.

That the printer is, in our opinion, a mere contractor, whose duties and whose rights are preserved by the law and the contract, as set forth in the bond required of him; duties which cannot be enlarged, and rights which cannot be denied, according to law and justice, without making due compensation to him.

That the printer is not an officer of the House, nor an officer of any kind. That the law of 1839 is constitutional; and that it is not only constitutional, but in strict accordance with the past action of all the States, and the precedents furnished by statesmen and politicians of all parties, since the organization of our government.

December 16, 1839.

W. H. Bennett,
J. P. Cox,
Jno. Flint,
Alexander Wilson,
Jno. Osborn,
B. Coats,
Hugh Hamer,
C. B. Jackson,
Willis G. Atherton,
R. M. Cooper,
Morris Lancaster,
Sylvanus Everts,
E. W. McGaughey,
Elijah Bell,
J. F. Beckett,
Saml. Judah,
L. G. Thompson,
A. O'Neill,
S. W. Parker,

L. B. Rush,
Jos. S. Jenckes,
S. C. Dunn,
J. F. Allison,
W. Brown, Butler,
G. W. Cutter,
W. Jones,
Jno. Zenor,
Lewis Burk,
Martin Jamison, jr.
R. Berkshire,
Joseph Robinson,
Jessee Morgan,
E. Woodard,
George Robinson,
W. G. Montgomery,
Fabius M. Finch,
Miles Hunt.

On motion,
The House adjourned until two o'clock, P. M.

Two o'clock, P. M.

The House met pursuant to adjournment.

The House now, according to order, proceeded to the election of a public printer, Messrs. Haddon and Cooper having been appointed tellers.

Previous to which the following communications were laid before the House by the Speaker, to wit:

No. 1, a communication from John Livingston, Esq.

No. 2, a communication from Stacy & Williams.

No. 3, a communication from the journeymen printers of Indianapolis.

INDIANAPOLIS, Dec. 16, 1839.

Hon. James G. Read,—

SIR—The journeymen printers, in this place, have unanimously resolved that they will not work for any employer who engages to execute the printing lower than the price fixed by law, and that no journeyman printer in the United States could be employed to work for any employer who will do the public printing less than the price fixed by law. If I can employ journeymen to work for me, should I be selected the public printer, I will engage to do the public printing at the same rates as proposed by Stacy and Williams, or whatever rate the law will fix.

J. LIVINGSTON.

To the Hon. the Speaker of the House of Representatives.

SIR: To remove any unfavorable impression upon the honorable body over which you preside, by the resolution adopted by "The Indianapolis Typographical Society," as to our ability to do the work of the State as printers to this House, we would most respectfully submit the following to the consideration of the House of Representatives.

In the reduction of prices for doing the public printing, as proposed by us in the morning, due consideration was had to the rights of journeyman printers. It was not contemplated by us, at all necessary to the prompt and speedy completion of the work for the State at the prices proposed by us, to infringe upon the rights of journeymen printers, but on the contrary, to allow to them the same prices that are now allowed by the rules and regulations of the Indianapolis Typographical Society themselves. As to our ability to perform the public printing to this House for the present session, we would respectfully refer your honorable body to the following names, which we propose as security for the performance of our contract, should you think proper to confer the obligation upon us, to wit: James Blake, A. W. Rus-

sell, Alfred Harrison, Henry Porter, Nicholas McCarty, Livingston Dunlap, James M. Ray, Henry Bates, and Daniel Yandes.

Believing that it is the wish of a large majority of your honorable body, to curtail the expenses of the State in this, as well as in every other department, and *not* for the express purpose of gratifying partisan feelings, we have been induced to present our claims to your consideration. That no doubts may remain as to our ability to do the States work, we can freely say, that we are prepared in every way, as to materials and workmen, to do the work with our accustomed neatness and despatch. It will be recollected by your honorable body, the statement made by William J. Brown, Secretary of State, of the character of the work performed by us heretofore, and the evidence which has been presented to your body, of our promptness and manner of execution in all the documents heretofore presented to your body this session. With this evidence of our qualifications, and ability to perform the duties of State printer to this House for the present session, we submit our claims to your candid, impartial, and enlightened action.

Most respectfully submitted,

STACY & WILLIAMS.

December 16th, 1839.

We, the journeymen printers of Indianapolic, in addition to their first remonstrance, do further state, that, as Stacy and Williams are not *practical printers*, they are therefore not capable of appreciating or making an estimate of work done in a printing office, and any arrangement which they may make with the state, below the prices allowed by the legislature for printing will be objected to by us.

GEORGE BRANNAN,
ENOCH MAY,
M. A. STOREY,
R. RANDALL,
JOHN S. COLE,
JAMES B. GENTLE,

JOHN DAUGHERTY,
A. G. SPALDING,
WILLIAM G. RUSSELL,
GEORGE S. M'KAY,
WILLIAM H. LEWIS,
A. C. BREWER.

Mr. Henly, after the above communications had been read, made the following statement, to wit:

I am authorized by John Livingston to say, that he will do the public printing as low as any other person if the law fixes the price proposed by Stacy and Williams, or any other price determined by the legislature; he will consent to it and perform the work.

The members were now requested by the Speaker to prepare their ballots for the election of public printer; and,

On calling the roll, the following gentlemen, on their several motions, were excused from voting, to wit:

Messrs. Allison, Atherton, Becket, Bell, Bennet, and Jackson.

Mr. Fisher moved, that all members who chose it, be exempted from voting;

Which motion was decided in the negative.

The following gentlemen severally asked to be excused from voting, whose request was not granted by the House, to wit:

Messrs. Berkshire, Butler, Coats, Cutter, Dunn, Everts, Jamison, Jenckes, Jones, Judah, Lancaster, McGaughey, Montgomery, Robinson of Ripley, Rush, Thompson, Wilson of Miami, and Woodard.

The following gentlemen declined voting, notwithstanding the House refused to excuse them to wit:

Messrs. Coats, Cutter, Jamison, Osborn of Clay, and Thompson.

On the motion to excuse Mr. Atherton from voting,

The ayes and noes being requested by Messrs. Herriman and Hull,

Those who voted in the affirmative were:

Messrs. Albertson, Allison, Baker, Becket, Bell, Bennet, Berkshire, Buckles, Burk, Butler, Clark, Coats, Cogswell, Cooper, Cox, Cutter, Davis, Dunn, Everts, Finch, Fisher, Flint, Foster, Garrigus, Haddon, Hamer, Henly, Hunt of R., Jackson, Jamison, Jenckes, Jones, Judah, Lancaster, Lee, McGaughey, Miller, Monroe, Montgomery, Morgan, Morrison, O'Neill, Osborn of C., Parker, Robinson of J., Robinson of Ripley, Robinson of Rush, Rush, Southard, Stewart, Sweetser, Thompson, Wheeler, Wilson of M., Woodard, Zenor, and Mr. Speaker—56.

Those who voted in the negative were:

Messrs. Arnold, Bowles, Campbell, Carleton of F., Carlton of L., Conaway, Eccles, Edmonson, English, Farley, Fitch, Frisbie, Gardner, Hamblen, Herriman, Hull, Hunt of J., Johnson, Lane, Lanius, Long, McCormack, McCoy, Milroy, Moore of O., Moore of V., Nelson of B., Nelson of M., Osborn of F., Osborn of U., Perry, Perviance, Porter, Rippey, Sands, Shields, Shiveley, Spann, Warriner, White, Wilson of W., and Worster—40.

On the motion to excuse Mr. Berkshire from voting,

The ayes and noes being requested by Messrs. Cutter and Butler.

Those who voted in the affirmative were:

Messrs. Allison, Atherton, Becket, Bell, Bennet, Buckles, Burk, Butler, Campbell, Coats, Cooper, Cutter, Dunn, Everts, Finch, Fisher, Flint, Foster, Hamer, Hunt of R., Jackson, Jamison, Jenckes, Jones, Judah, Lancaster, McGaughey, Miller, Milroy, Montgomery, Morgan, O'Neill, Osborn of C., Parker, Perviance, Robinson of J., Robinson of R., Rush, Spann, Sweetser, Thompson, Wilson of M., Woodard, and Zenor—44

Those who voted in the negative were:

Messrs. Albertson, Arnold, Bowles, Carlton of L., Carleton of F., Clark, Cogswell, Conaway, Davis, Eccles, Edmonson, English, Farley, Fitch, Frisbie, Gardner, Garrigus, Haddon, Henly, Herriman, Hull, Hunt of J., Johnson, Lane, Lanius, Lee, Long, McCormack, M'Coy, Monroe, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of F., Osborn of U., Perry, Porter, Rippey, Robinson of Rush., Sands, Shields, Shiveley, Southard, Stewart, Warriner, Wheeler, White, Wilson of W., Worster, and Mr. Speaker—53.

On the motion to excuse Mr. Everts from voting,

And the ayes and noes being requested by Messrs. Osborn of C. and Cutter.

Those who voted in the affirmative were:

Messrs. Allison, Atherton, Becket, Bell, Bennet, Berkshire, Burk, Butler, Campbell, Coats, Cooper, Cox, Cutter, Dunn, Finch, Fisher, Flint, Foster, Hamer, Hunt of R., Jackson, Jamison, Jenckes, Jones, Judah, Lancaster, M'Gaughey, Miller, Montgomery, Morgan, O'Neill, Osborn of C., Parker, Robinson of J., Robinson of Ripley, Rush, Southard, Spann, Sweetser, Thompson, Wilson of M., Woodard, and Zenor—43.

Those who voted in the negative were:

Messrs. Albertson, Arnold, Bowles, Buckles, Carleton of F., Carlton of L., Clark, Cogswell, Conaway, Davis, Eccles, Edmonson, English, Farley, Fitch, Frisbie, Gardner, Garrigus, Haddon, Hamblen, Henly, Herriman, Hull, Hunt of J., Johnson, Lane, Lanius, Lee, Long, McCormack, M'Coy, Milroy, Monroe, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of F., Osborn of U., Perry, Perviance, Porter, Rippey, Robinson of Rush, Sands, Shields, Shiveley, Stewart, Warriner, Wheeler, White, Wilson of W., Worster, and Mr. Speaker—55.

On the question to excuse Mr. Jamison from voting,

The ayes and noes being requested by Messrs. Rush and Butler,

Those who voted in the affirmative were:

Messrs. Allison, Atherton, Becket, Bell, Bennet, Berkshire, Burk, Butler, Campbell, Coats, Cooper, Cox, Cutter, Dunn, Everts, Finch, Fisher, Flint, Hamer, Hunt of R., Jackson, Jenckes, Jones, Judah, Lancaster, McGaughey, Miller, Montgomery, Morgan, O'Neill, Osborn of C., Parker, Robinson of J., Robinson of R., Rush, Spann, Sweetser, Thompson, Wilson of M., Woodard, and Zenor—41.

Those who voted in the negative were:

Messrs. Albertson, Arnold, Baker, Bowles, Buckles, Carleton of F., Carlton of L., Clark, Cogswell, Conaway, Davis, Eccles, Edmonson, English, Farley, Fitch, Foster, Frisbie, Gardner, Garrigus, Haddon, Henly, Herriman, Hunt of J., Johnson, Lane, Lanius, Lee, Long, McCormack, McCoy, Milroy, Monroe, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of F., Osborn of U., Perry, Perviance, Porter, Rippey, Robinson of Rush, Sands, Shields, Shiveley, Southard, Stewart, Warriner, Wheeler, White, Wilson of W., Worster, and Mr. Speaker—57.

After the roll had been called through and the members voted or been excused,

On counting the first ballot, it appeared that

John Livingston received	-	-	-	54 votes.
Stacy and Williams	"	-	-	6 "
Blank	"	-	-	27 "
Scattering	"	-	-	2 "

John Livingston having received a majority of the whole number of votes given was declared duly elected printer to the House, to serve as such for the time specified in the resolution adopted on this day.

Mr. Butler moved the following resolution:

Resolved, That the door-keeper call up Judge Blackford to administer the oath to the newly elected officer of this House, Mr. Livingston, *instantly*; which was not adopted.

Mr. Fisher introduced a joint resolution relating to Osborn and Chamberlain, former printers to the House of Representatives;

Which was read the first time and passed to a second reading.

Mr. Moore of Owen introduced

No. 50, a bill to locate a State road from Spencer in Owen county, to Anguilla in Clay county;

Which was read the first time and passed to a second reading.

Mr. Butler introduced

No. 51 a bill authorizing the Vanderburgh Lyceum to sell or donate, transfer or convey real estate;

Which was read the first time and passed to a second reading.

Mr. Robinson of Ripley introduced

No. 52, a bill for the further improvement and final completion of the Michigan road;

Which was read the first time; when

Mr. Fitch moved that the rule be dispensed with, and the bill be read a second time now;

Which motion was decided in the negative.

The bill was ordered to a second reading on to-morrow.

Mr. Robinson of J. moved that the vote be reconsidered on the passage of bill No. 1, of the House, abolishing imprisonment for debt.

And the ayes and noes being requested thereon, by Messrs. Jones and Butler.

Those who voted in the affirmative were:

Messrs. Albertson, Allison, Arnold, Baker, Berkshire, Butler, Campbell, Coats, Conaway, Cox, Cutter, Davis, Eccles, English, Everts, Farley, Fisher, Fitch, Flint, Garrigus, Hamer, Hamblen, Henly, Hull, Hunt of J., Hunt of R., Jenckes, Judah, Lane, Lancaster, Long, McCormack, McCoy, Milroy, Montgomery, Moore of O., Morgan, Morrison, Nelson of B., O'Neill, Osborn of C., Perry, Perviance, Porter, Rippey, Robinson of J., Robinson of Rush, Sands, Shields, Shiveley, Spann, Warriner, White, Wilson of W., Zenor and Mr. Speaker—56.

Those who voted in the negative were:

Messrs. Atherton, Becket, Bell, Bennet, Bowles, Buckles, Burk, Carleton of F., Carlton of L., Clark, Cogswell, Cooper, Dunn, Edmonson, Finch, Foster, Frisbie, Gardner, Haddon, Herriman, Jackson, Jamison, Johnson, Jones, Lanius, Lee, McGaughey, Miller, Monroe, Moore of V., Nelson of M., Osborn of F., Osborn of U., Parker-Robinson of Ripley, Rush, Sonthard, Stewart, Sweetser, Thompson, Wheeler, Wilson of M., Woodard and Worster—44.

So said vote was reconsidered.

On motion,

The House adjourned until to-morrow morning at nine o'clock.

TUESDAY MORNING, DECEMBER 17, 1839.

The House met pursuant to adjournment.

On reading the journal this morning, Mr. Bennet moved to amend the same by spreading the proposition submitted by Messrs. Stacy and Williams at full length, upon the Journal of the House, instead of the brief notice thereof, given by the clerk.

Mr. Carleton of F. moved to amend, by spreading all communications in relation to public printing upon the Journal.

Mr. Henly moved to amend the amendment, by inserting a communication he had been authorized to make, in behalf of Mr. Livingston to the House, previous to going into the election for printer;

Which motion was decided in the affirmative.

The amendment moved by Mr. Carleton of Fountain was then adopted; and

The motion of Mr. Bennet, as amended, prevailed; and the clerk was ordered to amend the Journal of yesterday, in pursuance thereof.

Mr. Atherton presented the petition of John Burk and a large number of other citizens, in relation to the operations on the northern division of the central canal, praying legislation in reference to present contracts and a further progress of said canal;

Which was referred to the committee on canals and internal improvements.

Mr. Bowles moved to correct a mistake in the Journal of yesterday's proceedings, on the adoption of a resolution requesting the attendance of Judge Blackford to administer the oath of office to John Livingston, the newly elected public printer—the question being on the alteration of the Journal,

And the ayes and noes being requested thereon by Messrs. Bowles and Nelson,

Those who voted in the affirmative were:

Messrs. Arnold, Atherton, Baker, Becket, Berkshire, Bowles, Buckles, Campbell, Clark, Cogswell, Conaway, Cooper, Davis, Dunn, Eccles, Edmonson, Farley, Fisher, Frisbie, Haddon, Henly, Herriman, Hunt of J., Hunt of R., Jones, Lane, Lanius, Long, McCoy, Miller, Milroy, Monroe, Moore of O., Morrison, Nelson of B., O'Neill, Osborn of F., Osborn of U., Perry, Perviance, Robinson of Rush, Sands, Southard, Spann, Stewart, Sweetser, Warriner, Wilson of W., Woodard, Worster, and Mr. Speaker—51

Those who voted in the negative were:

Messrs. Albertson, Allison, Bell, Bennet, Burk, Butler, Carleton of F., Carlton of L., Coats, Cox, Cutter, English, Everts, Fitch, Flint, Foster, Gardner, Garrigus, Hamer, Hamblen, Hull, Jackson, Jamison, Jenckes, Johnson, Judah, Lancaster, Lee, McCormack, Montgomery, Moore of V., Morgan, Nelson of M., Osborn of C., Parker, Porter, Rippey, Robinson of J., Robinson of R., Rush, Shields, Shiveley, Thompson, Wheeler, White, Wilson of M., and Zenor—47.

So said question was determined in the affirmative, and the clerk directed to correct the Journal accordingly.

Mr. Southard presented the memorial of the trustees and members of the New Harmony Working Men's Institute for mutual instruction, requesting to have their charter amended;

Which was referred to the committee on corporations.

Mr. Porter presented the memorial of Sampson Henkle, Samuel Hoover and others, in reference to the acts of James W. Holliday, Esq. late of Tippecanoe county, as collector of said county for the year A. D. 1838;

Which was referred to the committee on canals.

Mr. Bowles, from the committee on the State Bank, reported, that said committee. in the progress of its investigation; had need of same

officer to execute its orders; therefore desired, that a Sergeant-at-Arms or some other officer should be elected by the House for that purpose.

Mr. Henly offered for adoption the following resolution:

Resolved, That a select committee of five be appointed, to inquire, whether the present bill of prices, as established by law, for public printing, is not too high, and, if so, to report such a bill of prices, as, in their opinion, will be a fair compensation for the services required.

Mr. Robinson of Ripley moved to amend said resolution, by striking out from the resolving clause and inserting the following:

“That the committee on ways and means report to this House, a bill fixing the pay of public printer to this House, at the amount stated in the proposals made to this House, on yesterday, by Stacy and Williams.”

Mr. Long moved to add to said amendment—

“Also the proposition of John Livingston.”

Mr. Edmonson called for a division of the question; and the question being put on striking out,

And the ayes and noes being requested thereon, by Messrs. Judah and Robinson of Ripley,

Those who voted in the affirmative were:

Messrs. Allison, Atherton, Becket, Bell, Bennet, Berkshire, Burk, Butler, Campbell, Carleton of F., Coats, Cooper, Cox, Cutter, Davis, Dunn, Everts, Flint, Hamer, Hunt of R., Jackson, Jamison, Jenckes, Jones, Judah, Lancaster, Long, Montgomery, Morgan, O'Neill, Osborn of C., Parker, Robinson of J., Robinson of Ripley, Rush, Spann, Thompson, Woodard, and Zenor—37.

Those who voted in the negative were:

Messrs. Albertson, Arnold, Baker, Bowles, Buckles, Carlton of L., Clark, Cogswell, Conaway, Eccles, Edmonson, English, Farley, Finch, Fisher, Foster, Frisbie, Gardner, Garrigus, Haddon, Hamblen, Henly, Herriman, Hull, Hunt of J., Johnson, Lane, Lanius, Lee, M'Cormack, McCoy, McGaughey, Miller, Milroy, Monroe, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of F., Osborn of U., Perry, Perviance, Porter, Rippey, Robinson of Rush, Sands, Shields, Shiveley, Southard, Stewart, Sweetser, Warriner, Wheeler, White, Wilson of M., Wilson of W., Worster, and Mr. Speaker—60.

So the House refused to strike out.

The question now recurred on the adoption of the resolution,

And the ayes and noes being requested thereon, by Messrs. Eccles and Henly,

Those who voted in the affirmative were:

Messrs. Albertson, Allison, Arnold, Atherton, Baker, Becket,

Bell, Bennet, Berkshire, Bowles, Buckles, Burk, Butler, Campbell, Carleton of F., Carlton of L., Clark, Coats, Cogswell, Conaway, Cooper, Cox, Cutter, Davis, Dunn, Eccles, Edmonson, English, Everts, Farley, Finch, Fisher, Fitch, Flint, Foster, Frisbie, Gardner, Garri-gus, Haddon, Hamer, Hamblen, Henly, Herriman, Hull, Hunt of J., Hunt of R., Jackson, Jamison, Jenckes, Johnson, Jones, Judah, Lane, Lancaster, Lanius, Lee, Long, McCormack, McCoy, McGaughey, Miller, Milroy, Monroe, Montgomery, Moore of O., Moore of V., Morgan, Morrison, Nelson of B., Nelson of M., O'Neill, Osborn of C., Osborn of F., Osborn of U., Parker, Perry, Perviance, Rippey, Robinson of J., Robinson of Ripley, Robinson of Rush, Rush, Sands, Shields, Shiveley, Southard, Spann, Stewart, Thompson, Warriner, Wheeler, White, Wilson of M., Wilson of W., Woodard, Worster, Zenor and Mr. Speaker—97.

The only vote in the negative was:

Mr. Sweetser—1.

So said resolution was adopted.

Messrs. Henly, Farley, Lanius, Cox, and Miller were appointed said committee.

Mr. Bell offered for adoption the following resolution:

Resolved, That the committee on the judiciary be instructed to inquire into the legality of taxing improvements made by any persons upon land belonging to the United States; and whether the taxes assessed upon such improvements can be legally collected. Which committee are instructed to report to this House at as early a day as practicable.

Mr. Milroy moved to amend by adding the following:

Resolved further, That said committee be instructed to inquire, whether the tax imposed on the Wabash and Erie canal lands, and improvements on said lands, is not illegal, or a violation of the contract, express or implied, between the State and the purchasers of those lands; with leave to report to this House their views thereon.

Mr. Everts moved to amend the amendment, by adding the following: "Also, improvements on lands that have not been purchased five years; and also on Indian grants;"

Which amendment was adopted.

Mr. Foster moved to add the following: "also tax on school lands;" which was adopted.

The resolution, as amended, was then adopted.

On motion of Mr. Cooper,

Resolved, That the committee on the judiciary be instructed to inquire into the constitutionality of the second section of an act, relative to practice in circuit courts, approved February 18th, 1839, and for said committee to amend or repeal said act, as they deem most expedient.

On motion of Mr. Wheeler,

Resolved, That this House will proceed to the election of Sergeant-at-Arms, this day, at two o'clock, P. M.

On motion of Mr. Stewart,

Resolved, That the fund commissioners be requested to report to this House, whether any State bonds have been sold to a company in Madison, or any other company in this State, for the purpose of prosecuting the Madison road, or any other State improvements, and, if so, to what amount, and for what purpose, and to whom sold.

Mr. Miller introduced the following resolution; which, on his motion, was laid on the table, to wit:

Resolved, That the judiciary committee be instructed to inquire into the expediency of so amending the 23d section of the probate act, as to require appraisers of decedent's estates to take an oath that they will truly and faithfully perform the duties committed to them.

On motion of Mr. Cutter,

Resolved, That the committee on military affairs be instructed to inquire into the expediency of passing a law authorizing the Executive of this State to erect an arsenal, or other safe depository, for the arms of this State, at some proper place to be selected by himself; with leave to report by bill or otherwise.

On motion of Mr. Moore of O.,

Resolved, That the committee of ways and means be instructed to inquire into the expediency of reducing the salaries of the board of Public Works from fifteen hundred dollars, so as not to exceed eight hundred dollars; with leave to report by bill or otherwise.

Mr. Jones offered for adoption the following resolution:

Resolved, That a select committee of five be appointed to ascertain and report to this House, whether the public printer to the House of Representatives, at their session of 1837 and '38, has repaid to the treasurer of State the sum of eight hundred and sixty-one dollars and eighteen cents, by him improperly charged for printing done for the House at that session; and also, what amount said printer charged for newspapers furnished to the members of the last General Assembly.

Mr. Moore of O. moved to add the following, as an amendment to said resolution:

"And also what the editors of the Journal charged for newspapers furnished the last General Assembly;"

Which amendment was adopted.

The resolution, as amended, was then adopted.

Messrs. Jones, Bell, Moore of O., Garrigus, and Becket, were appointed said committee.

On motion of Mr. Morgan.

Resolved, That the committee on education be instructed to inquire into the expediency of so amending the school law, as to require all persons proposing to teach district schools, to produce the certificate of the county examiners, before they shall be employed by the district trustees as teachers.

On motion of Mr. Porter,

Resolved, That the committee on education be requested to inquire

into the expediency of so amending the school law, that it shall be made the duty of the school commissioner of each county, (where the township trustees of school townships have failed to cause meetings of districts to be holden for the purpose of organizing and holding schools to be kept therein, according to laws now in force,) to cause such meetings and organization to be had, and schools to be kept in the several townships in each county in this State; and that upon his failure to do so, a penalty shall be attached sufficient to stimulate, or cause him to attend to such duties; and that he be allowed a fair compensation for such services, during the time he shall be employed as aforesaid; with leave to report by bill or otherwise.

On motion of Mr. Allison,

Resolved, That the judiciary committee be instructed to inquire whether the law granting premiums on wolf scalps is still in force, and if so, to report a bill to this House repealing the same.

On motion of Mr. Bell,

Resolved, That the committee on ways and means be directed to inquire into the expediency of incorporating into the revenue law a clause providing that whenever any person shall in consideration of interest voluntarily forbear to collect any sum of money due on any written agreement or parol promise the same shall be regarded as money at interest and shall be taxed accordingly.

Mr. Stewart moved to take from the table a resolution on the subject of newspapers;

Which motion did not prevail.

On motion,

The House adjourned until two o'clock P. M.

Two o'clock P. M.

The House met pursuant to adjournment.

Mr. Berkshire moved to reconsider the vote on the resolution, this day adopted, providing for the election of Sergeant-at-Arms of this House.

And the ayes and noes being requested thereon, by Messrs. Jones and Baker.

Those who voted in the affirmative were:

¶ Messrs. Allison, Atherton, Baker, Becket, Bell, Bennet, Berkshire, Burk, Campbell, Carleton of F., Clark, Coats, Davis, Edmonson, Farley, Garrigus, Haddon, Jackson, Jamison, Jenckes, Jones, Judah, Lancaster, Long, McGaughey, Montgomery, O'Neill, Osborn of F., Parker, Robinson of Ripley, Rush, Shields, Shiveley, Thompson, Wilson of M., Zenor and Mr. Speaker—37.

Those who voted in the negative were:

Messrs. Albertson, Arnold, Bowles, Buckles, Carlton of L., Cogswell, Conaway, Cooper, Cox, Cutter, Eccles, English, Everts, Fisher, Fitch, Flint, Foster, Frisbie, Gardner, Hamer, Hamblen, Henly, Herri-
man, Hull, Hunt of J., Hunt of R., Johnson, Lee, McCormack, McCoy,
Miller, Milroy, Monroe, Moore of O., Moore of V., Morgan, Morrison,
Nelson of B., Nelson of M., Osborn of C., Osborn of U., Perry, Pervi-
ance, Porter, Rippey, Robinson of J., Sands, Southard, Spann, Stew-
art, Sweetser, Warriner, Wheeler, White, Wilson of W., Woodard
and Worster—57.

So said vote was not reconsidered.

The House now proceeded to the election of Sergeant-at-Arms,
Messrs. Wheeler and Wilson of White acting as tellers.

On counting the first ballot, it appeared that

John W. Lee received	-	-	-	28 votes.
Solomon Davis	"	-	-	28 "
Bazil Brown	"	-	-	37 "
Blank	"	-	-	3 "

No person having received a majority of the whole number of votes
given, the House proceeded to a second balloting. On counting the
votes it appeared that

John W. Lee received	-	-	-	31 votes.
Solomon Davis	"	-	-	28 "
Bazil Brown	"	-	-	37 "
Scattering	"	-	-	1 "

No person having received a majority of the whole number of votes
given, the House proceeded to a third balloting. On counting the
votes it appeared that

John W. Lee received	-	-	-	55 votes.
Bazil Brown	"	-	-	42 "

John W. Lee having received a majority of the whole number of
votes given, was declared duly elected Sergeant-at-Arms for this
House.

Mr. Judah introduced the following bill, to-wit:

No. 53, a bill for the relief of Julia Sims;

No. 54, a bill to repeal a part of an act entitled "an act concerning
Knox county;

Which were severally read and passed to a second reading.

Mr. Allison introduced

No. 55, a bill to reduce the salaries of public officers;

Which was read the first time; when

Mr. Carleton of F. moved that said bill be rejected,

And the ayes and noes being requested thereon, by Messrs. Judah
and Carleton of F.

Those who voted in the affirmative were:

Messrs. Albertson, Bowles, Carleton of F., Carlton of L., Clark, Cogswell, Cox, Cutter, Davis, Edmonson, English, Everts, Farley, Finch, Fisher, Fitch, Haddon, Hamer, Henly, Hunt of J., Hunt of R., Jenckes, Johnson, Lee, McCormack, McCoy, Monroe, Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of F., Parker, Perviance, Foster, Rush, Southard, Stewart, Sweetser, Thompson, Wheeler, White, Wilson of M., Wilson of W., Woodard, Zenor and Mr. Speaker.—47.

Those who voted in the negative were:

Messrs. Allison, Arnold, Atherton, Baker, Becket, Bell, Bennet, Berkshire, Buckles, Burk, Coats, Cooper, Dunn, Eccles, Flint, Foster, Frisbie, Garrigus, Hamblen, Herriman, Hull, Jackson, Jamison, Jones, Judah, Lane, Lancaster, Lanius, Long, McGaughey, Miller, Milroy, Montgomery, Moore of O., Morgan, O'Neill, Osborn of C., Osborn of U., Perry, Rippey, Robinson of Ripley, Sands, Shields, Shiveley, Spann and Worster—46.

So said bill was rejected.

Mr. Bell introduced

No. 56, a bill to legalize certain acts of the board doing county business of Dubois county;

Which was read the first time and passed to a second reading.

Mr. Sweetser introduced

No. 57, a bill supplemental to an act entitled "an act for the appointment of trustees to receive deeds for lots or lands given or purchased for the use of schools, meeting houses or masonic lodges, approved February 10, 1831;

Which was read the first time and passed to a second reading.

Mr. Osborn of Franklin introduced

No. 58, a bill to amend an act regulating the jurisdiction and duties of justices of the peace;

Which was read the first time and passed to a second reading.

On motion of Mr. Fitch,

The previous orders of the day were postponed, and the House proceeded to the consideration of

No. 48, a joint resolution relating to contractors on public works;

Which was read the second time.

Mr. Monroe moved that the rule be dispensed with and the joint resolution read a third time now; when

Mr. Henly moved that said resolution be referred to the committee on canals and internal improvements;

Which motion was decided in the affirmative.

A message from the Senate by Mr. Ewing, a member.

MR. SPEAKER—

I am directed by the Senate to inform the House that the Senate has passed an engrossed bill No. 9, entitled "an act authorizing Thomas Goudy, senr., to build a mill dam across Eel river in Wabash county, in which the concurrence of the House of Representatives is most respectfully requested.

The bill, No. 9, mentioned in the message, was read the first time; and

On motion of Mr. Wilson of M.,

Was read the second and third times, the rule being dispensed with, and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Cutter moved that bill

No. 1, to abolish imprisonment for debt be referred to a select committee of three;

Which motion was decided in the affirmative.

Messrs. Cutter, Lane and Robinson of Jefferson were appointed said committee.

On motion,

The House adjourned until to-morrow morning at nine o'clock.

WEDNESDAY, DECEMBER 18, 1839.

The House met pursuant to adjournment .

The Speaker laid before the House the following communication from the Cashier of the State Bank of Indiana, to wit:

OFFICE OF THE STATE BANK OF INDIANA,
Indianapolis, Dec. 17, 1839.

Hon. James G. Read,

Speaker of the House of Representatives:

SIR—In answer to a resolution of the House of Representatives, just received, inquiring, "whether suit has been instituted against any of the Branches of the State Bank of Indiana, for the non-payment of its notes; and if so, what Branch, and at what time said suit or suits were instituted, and what was the result of such prosecution," I have the honor to reply, that the only suits, that I am apprised of ever being so instituted against the bank, were two instances in the year 1837—both of which were by the same individual, a broker; one against the branch at Indianapolis for \$900; and the other

against the branch at Lawrenceburgh for \$3,500; which amounts, it is understood, were paid by these branches.

No other suits have been reported to the State Bank, for the non-payment of the notes of any branch, nor is it believed, by the undersigned that any others have been instituted.

I am, very respectfully,
Your ob't. serv't.

JAMES M. RAY, Cashier-

The said communication was referred to the committee on the state bank.

The Speaker also laid before the House a report from the fund commissioners, in answer to a resolution of the House, in reference to a loan of four hundred thousand one hundred and sixty dollars, from the Morris Canal and Banking Company;

Which, on motion of Mr. Moore of O., was referred to the committee on the canal fund; and

On motion of Mr. Judah,

Five hundred copies were ordered to be printed.

The Speaker also laid before the House a report of the Agent of State for the town of Indianapolis, in reference to the purchase of a residence for the Governor, and the sale of certain lots therein named;

Which was read and referred to the committee on the affairs of the town of Indianapolis.

Mr. Osborn of F. made the following report.

MR. SPEAKER—

The joint committee on enrolled bills report, that they have compared the enrolled with the engrossed bill of the Senate, No. 9, to wit: "an act to authorize Thomas Goudy sen'r., to build a mill dam across Eel River in Wabash county" and find the same truly enrolled.

Whereupon the Speaker signed the same.

Ordered, That it be carried to the Senate for the signature of their President.

Mr. Perviance presented the petition of Jacob Huffer and others, praying for a state road therein named;

Which was referred to the committee on roads.

Mr. Perviance also presented the petition of David Anderson and others, for a state road;

Which was referred to the same committee.

Mr. Cogswell presented two several petitions, of sundry citizens of Madison and Hamilton counties, relative to a burying ground, over which the Central canal is located;

Which was referred to the committee on canals and internal improvements.

Mr. Atherton presented the petition of David Pickard, R. S. Stephens and others, praying for a justice of the peace for the town of Alexandria in Madison county;

Which was referred to a select committee of Messrs. Atherton, Cogswell and Buckles.

Mr. Milroy presented the petition of J. R. Newman and others, of Carroll county, praying for a valuation law, on real estate, previous to being sold on execution;

Which was read and on motion of the same gentleman, laid upon the table.

Mr. Bell presented the petition of Franklin Sawyer and others of Pike county, praying a repeal of so much of the road law as imposes a road tax on lands;

Which was referred to a select committee of Messrs. Bell, Edmonson, Miller, Flint and Southard.

Mr. Wheeler presented the petition of Enos Collins, of Marshall county, relative to certain improvements, connected with his grist mill;

Which was referred to a select committee of Messrs. Wheeler, Rush and Wilson of Miami.

Mr. Montgomery presented the petition of James Stanford and others of Warren county, praying a change in the state road from Michigan City to Williamsport in Warren county;

Which was referred to the committee on roads.

Mr. Judah, from the committee on the judiciary, made the following report:

MR. SPEAKER—

The committee on the judiciary, according to order, have had under consideration, the expediency of making appeals from Probate courts stand as original suits in the circuit court, and have directed me to report that the same would not be expedient in the opinion of the committee.

And the committee have also had under consideration the constitutional power of making district schools, county seminaries, and of apportioning fines and penalties amongst them.

The 2d. Section of the 9th article of the Constitution contemplates a "regular gradation from township schools to a State University.

For that and the 3d section appropriates all fines &c. to the support of county Seminaries. Funds were provided for the common schools and for the University by the grant of lands. The convention provided for the support of the intermediate Seminary, by the appropriation of fines &c.

Hence the committee conclude that these fines cannot, by any legislation, be diverted from their constitutional object in favor of district schools or of any other.

And the committee have also had under consideration a resolu-

tion concerning surviving partners, and are of opinion that any change of the law on that subject is not expedient.

And the committee have also had under consideration the expediency of allowing an execution on the original judgment after a delivery bond returned, and have directed me to report that any legislation, on that subject, is unnecessary.

Which report was concurred in by the House.

Mr. Eccles, from the judiciary committee, made the following report:

MR. SPEAKER—

The judiciary committee to whom was referred a bill, No. 35 of this House, for the benefit of persons who are likely to suffer by the destruction of the records of Dubois county have, according to order, had the same under consideration, and have directed me to report the same to the House with one amendment, and ask the concurrence of the House in said amendment and recommend the passage of the bill;

Which report was concurred in.

Mr. Edmonson moved that the rule be dispensed with, and the bill be read a third time now;

Which motion was decided in the affirmative.

The bill was then read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Eccles, from the same committee made the following report:

MR. SPEAKER,—

The judiciary committee to whom was referred a bill to regulate the jurisdiction of justices of the peace in Green county, have, according to order had the same under their consideration, and have directed me to report the said bill back to the House, without amendment, and recommend its passage.

On motion,

The report was concurred in, and the bill ordered to be engrossed for a third reading on to-morrow.

Mr. Eccles from the same committee, made the following report:

MR. SPEAKER,—

The judiciary committee to whom was referred, the resolution of this House, directing them to inquire into the propriety, of so amending the law, authorizing the issuing writs of *ne exeat*, by Justices of the peace, so as to secure debts where the debtors are about to remove from the county, on any sum not exceeding fifty dollars, have had the same under consideration, according to order, and have directed me to report, that they deem it inexpedient to legislate further, on that subject; and ask to be discharged from the further consideration thereof;

On motion,

The report was concurred in, and the committee discharged accordingly.

Mr. Robinson of J., from the committee on the judiciary, made the following report;

MR. SPEAKER,—

The committee on the judiciary to whom was referred, a resolution instructing them to inquire into the expediency of so changing the law requiring administrators to produce their letters of administration in any suit commenced by them, so as to allow them to produce a certified copy of said letters, in the cases abovementioned, have had the same under consideration and instructed me to report, that it is inexpedient further to legislate on the subject; the law as it now exists, being amply sufficient to accomplish the objects contemplated by the resolution; and they ask to be discharged from the further consideration of such resolution:

On motion,

The report was concurred in and the committee discharged accordingly.

Mr. Lane from the committee on canals and internal improvements, to which was referred, No. 48, a joint resolution relating to contractors on public works, reported the same back to the House with the following amendment, in which the concurrence of the House of Representatives is requested, by adding thereto the following, to wit:

“Noting, in the most specific manner, the contracts and incidental expenses, upon the Madison and Indianapolis rail road, made, and accruing, in anticipation, of the appropriation, of \$400,000 granted in the act entitled “an act providing for the further construction of the Madison and Lafayette rail road, approved February 6th, 1839; the amount paid upon such contracts, when and by whom paid, the amount due and unpaid upon the same, and to whom, together with all other expenses incident thereto.”

Mr. Fisher moved to concur in said amendment, by adding the following:

“And excluding from the provisions contemplated in the resolution, any contracts taken, in pursuance of a a reputed agreement between certain persons and the fund commissioners, for the purchase of state bonds and the completion of forfeited contracts on the Madison rail road.

Mr. Long moved to recommit the joint resolution to a select committee,

Mr. Lane moved to refer the joint resolution back to the committee on canals and internal improvements.

Mr. Sweetser moved that the report of the committee and pending amendments be laid upon the table;

Which motion did not prevail.

On the question shall the joint resolution and amendments be

ferred to the committee on canals and internal improvements, it was decided in the affirmative.

Mr. Rush made the following report:

MR. SPEAKER,—

The select committee to whom was referred, the petition of John Massey, collector of St. Joseph county, asking relief, have, according to order, had the same under consideration, and directed me to report the following bill;

No. 59, a bill for the relief of the collector of St. Joseph county;

Which was read the first time, and passed to a second reading.

Mr. Cutter made the following report:

MR. SPEAKER,

The select committee, to whom was referred the bill of the House, No. 1, to abolish imprisonment for debt, have had the same under consideration, and have instructed me to report the same back to the House, with the following amendment, to wit: to strike out said bill from the enacting clause, and insert in the place, and stead there of the bill, which is herewith inserted.

Mr. Sweetser moved to recommit the bill and amendment, to a committee of the whole House, and make it the order of the day for tomorrow.

Mr. Herriman moved that the bill and amendment be laid upon the table,

And the ayes and noes being requested thereon, by Messrs. Cutter and Butler,

Those who voted in the affirmative were:

Messrs. Atherton, Baker, Becket, Bennet, Bowles, Burk, Carleton of F., Carlton of L., Clark, Cogswell, Davis, Dunn, Farley, Foster, Haddon, Herriman, Jamison, Johnson, Jones, Lee, Miller, Nelson of M., Parker, Perviance, Robinson of Ripley, Robinson of Rush, Stewart, Thompson, Wheeler, Worster, Zenor, and Mr. Speaker—32.

Those who voted in the negative were:

Messrs. Albertson, Allison, Arnold, Bell, Berkshire, Buckles, Butler, Campbell, Coats, Cooper, Cox, Cutter, Eccles, Edmonson, English, Everts, Finch, Fisher, Fitch, Flint, Frisbie, Gardner, Garrigus, Hamer, Hamblen, Henly, Hull, Hunt of J., Hunt of R., Jackson, Jenckes, Laue, Lancaster, Lanius, Long, McCormack, McCoy, McGaughey, Milroy, Monroe, Montgomery, Moore of O., Moore of V., Morgan, Morrison, Nelson of B., O'Neill, Osborn of C., Osborn of F., Osborn of U., Perry, Porter, Rippey, Rush, Sands, Shields, Shiveley, South-

ard, Spann, Sweetser, Warriner, White, Wilson of M., Wilson of W., and Woodard—65.

So said motion was decided in the negative.

The question recurring on re-committing the bill to a committee of the whole House, it was decided in the affirmative.

Mr. Fisher made the following report:

The select committee, to whom were referred the memorial of the representatives of the religious society of friends, called quakers, of Indiana yearly meeting, ask leave respectfully to

REPORT,

That according to the act now in force, regulating grist mills and millers, it is the duty of all millers who grind for toll, to grind in turn, as the grain is brought, subject to a pecuniary penalty in case of refusal.

There are now within this State, and in all the others, a great many citizens of every class and creed, who believe that the common use of ardent spirits is *wrong*, and ruinous to the body and mind; and are, therefore, conscientiously withheld from contributing in any manner to the manufacture or sale of intoxicating liquors. But in consequence of the existing requisition of law, those who own mills, are compelled to grind all the grain intended for distribution, that is brought them in turn, or submit to the legal penalties therein provided.

This is a violation of conscience; for no man should be required, by human law, to transgress what he believes to be a requirement of the Highest of all authority, the Supreme Lord of Law himself.

The Quakers have now for many years made it an obligation of their discipline as a religious society, to abstain entirely, except in cases of sickness, from the use of ardent spirits, and have as a people been a shining example of sobriety to the rest of the community. They have demonstrated by their own experience, the happy practical tendency of temperance to health, order, industry, and competence; and thereby given the first mighty impulse to the great cause of temperance reform, which for the last few years has made such progress in the civilized world. They have given by their practice, the most ample evidence of the sincerity of their professions, and in the present memorial only aim to secure the right of making a pecuniary sacrifice, of a portion of their business, for the support of their principles and testimony. They do not now, they never have in any case, sought to compel a conformity of others to their views. They simply request to be exempted from all agency in converting the bounty of heaven into what they justly consider a curse. Nor do they ask this privilege for themselves alone, but for all others of like principles on this subject, of whom there is a large number.

The memorialists likewise very reasonably suggest that the obligation of grinding in turn be applicable to those only who seek their own supplies of bread, so as to give such as are in need the precedence of those who want grinding for sale or speculation. As the law now stands, persons in the neighborhood of a mill are liable in dry seasons

to be cut off from supplies of bread, until those who have quantities of grain to be ground for a distant market are supplied.

The committee, there, ask leave to introduce the following bill:

No. 60, a bill to amend an act, entitled "An act regulating grist mills and millers;" approved February 10th, 1831;

Which was read the first time and passed to a second reading.

On motion of Mr. Judah,

Resolved, That the chief engineer report to this House his opinion as to the propriety of erecting wooden locks at the Grands Rapids of the Wabash, instead of stone locks, together with such information as he may possess, as to the result of such change upon the cost and time required for the completion of the work.

Mr. Fitch offered the following preamble and resolution; which was adopted, to wit:

Whereas, many contractors on the public works of this State having expressed a willingness to receive in payment of half the amount due them by the State, State bonds, or scrip, redeemable in years, and bearing per cent. interest, payable semi-annually in New York: *Provided*, That the other half can be paid in the paper of the State bank, or other par bank paper; therefore be it

Resolved, That the committee on the State bank be, and they are hereby instructed to take the matter into consideration, make the necessary inquiries of the bank, and report to this House as early as possible, the practicability of thus paying said contractors.

On motion of Mr. Lane,

Resolved, That the fund commissioners be, and they are hereby requested, to report as early as possible to this House, what contract or contracts, if any, they have made with any individual or individuals, company or corporation, for the sale or transfer of State bonds in anticipation, of the appropriation made by the act of the General Assembly, entitled "An act providing for the further prosecution of the Madison and Lafayette rail road; approved February 6th, 1839.

The amount of bonds sold, or agreed to be sold, and when sold, the terms and conditions of such sale, to whom made, what securities taken, and for what purpose, and whether absolute or conditional.

Mr. Miller moved to take from the table a resolution offered by him on yesterday, relative to an amendment in the probate law; which was consented to by the House.

Mr. Miller moved to strike out from said resolution the word "will," and insert "have;" which motion prevailed.

The resolution, as amended, was then adopted.

Mr. Cutter moved to take from the table a resolution offered by him on the 10th inst., relative to the funds of the Cross Cut canal; which was consented to by the House.

The resolution was then adopted.

Mr. Jamison moved to take from the table a resolution in relation to new circuits, with its pending amendments;

Which, on motion, was referred to the judiciary committee.

On motion of Mr. Rippey,

Resolved, That the committee on roads inquire into the propriety of so amending the road law, that the boards doing county business, in the several counties of this State, shall have power to regulate and fix the road tax, at a rate not to exceed thirty cents upon the one hundred dollars valuation of lands assessed for State and county purposes; with leave to report by bill or otherwise.

Mr. Cooper moved for adoption the following resolution:

Resolved, That the committee on public buildings be instructed to inquire what statutory enactments are, (if any,) necessary to prevent persons from committing injuries to the State House, or any other public buildings, or public property, belonging to the State in the town of Indianapolis, and to provide, by law, to punish persons who may be guilty of committing injuries to said property; with leave to report by bill or otherwise.

Mr. Atherton moved to amend said resolution, by adding the following:

"That the door-keeper be instructed to take down any theatre bill that may be posted up in this Hall, and that he be instructed to keep all such bills from being posted up in this Hall;

Which amendment was adopted.

On motion,

The House adjourned until two o'clock, P. M.

Two o'clock, P. M.

The House met pursuant to adjournment; and

Proceeded to the consideration of the resolution pending, when the House adjourned.

The resolution, as amended, was adopted.

On motion of *Mr. Judah*,

Resolved, That the door-keeper provide a seat on the floor for *Mr. Drapier*, a stenographer.

Mr. Burk offered for adoption the following preamble and resolution:

Whereas, there appears to have been a mistake made, in paying over the State revenue of Wayne county in 1838, to the amount of several hundred dollars;

Resolved, therefore, That a select committee of three be appointed to inquire into the facts; with leave to report by bill or otherwise.

The resolution was adopted; and

Messrs. Burk, Jackson, and Lancaster, were appointed said committee.

Mr. Carleton of F., moved to reconsider the vote taken this day, on the adoption of a resolution admitting *Mr. Drapier*, a stenographer, to a seat within the bar of this House, as a reporter; which motion did not prevail.

Mr. McCormack moved that the sergeant-at-arms, elected on yesterday, be brought in and sworn into office;

Which motion did not prevail.

The Speaker laid before the House a communication from Lucius H. Scott, Esq., one of the fund commissioners,

Which was read and referred to the committee on canals and internal improvements.

Mr. Cox introduced

No. 60, a bill to revive and amend an act to locate a state road therein named, approved February 17th, 1838;

Which was read the first time and passed to a second reading.

Mr. Osborn of U., introduced

No. 61, a bill to amend an act antititled "an act pointing out the mode of levying taxes and fixing the per centum for state purposes," approved February 15, 1839;

Which was read the first time; when

Mr. Judah moved to reject said bill,

And the ayes and noes being requested thereon, by Messrs. Judah and Berkshire,

Those who voted in the affirmative were:

Messrs. Albertson, Allison, Arnold, Atherton, Baker, Becket, Bell, Berkshire, Buckles, Burk, Butler, Campbell, Carleton of F., Carleton of L., Clark, Conaway, Cooper, Cox, Cutter, Davis, Dunn, Eccles, Edmonson, Everts, Farley, Finch, Fisher, Fitch, Flint, Foster, Frisbie, Gardner, Haddon, Hamer, Hamblen, Herriman, Hull, Hunt of J., Hunt of R., Jackson, Jamison, Jenckes, Johnson, Lane, Lancaster, Lanius, Lee, McCormack, McGaughey, Miller, Milroy, Montgomery, Moore of V., Morgan, Nelson of B., Nelson of M., O'Neill, Osborn of C., Parker, Perry, Perviance, Porter, Rippey, Robinson of J., Robinson of Ripley, Robinson of Rush, Rush, Sands, Shields, Shiveley, Southard, Spann, Stewart, Sweetser, Thompson, Warriner, Wheeler, Wilson of W., Woodard, Worster, and Zenor—82.

Those who voted in the negative were:

Messrs. Bennet, Bowles, Coats, Cogswell, English, Henly, Long, McCoy, Monroe, Morrison, Osborn of F., Osborn of U., White, Wilson of M., Mr. Speaker—15.

So said bill was rejected.

Mr. Thompson introduced

No. 62, a bill to amend an act entitled "an act providing for a more uniform mode of doing township business, in the several counties therein named, approved February 17th, 1838;

Which was read the first time and passed to a second reading on tomorrow.

Mr. Hunt of R., introduced

No. 63, a bill for the election of prosecuting attorneys for each

county, by the qualified voters thereof;

Which was read the first time and passed to a second reading on to-morrow.

Mr. Spann introduced

No. 64, a bill to amend an act entitled "an act for the protection of the Madison and Indianapolis rail road, &c.; approved February 14th, 1839;

Which was read the first time and passed to a second reading.

The House now proceeded to the consideration of the orders of the day.

No. 37, a bill to relocate a part of the state road from Indianapolis to New Castle in Henry county, was read a second time, and ordered to be engrossed for a third reading.

No. 38, a bill to authorize the election of justice of the peace and constables, in the town of Fredericksburgh in the county of Washington was read a second time; when

Mr. Monroe moved that the rule be suspended and the bill read a third time now;

Which motion did not prevail.

The bill was then ordered to be engrossed for a third reading on to-morrow.

No. 39, a bill to amend an act entitled "an act for a more uniform mode of doing county business in the several counties therein named, approved February 17th, 1838, was read the second time and ordered to be engrossed for a third reading on to-morrow.

No. 40, a bill for the relief of unpaid contractors on the public works, was read the second time; when

Mr. Judah moved to commit the bill to a committee of the whole House for to-morrow.

Mr. Sweetser moved to amend said motion by striking out the word "to-morrow" and insert the words, "this day now;" which motion prevailed.

Mr. Carleton of F., moved to amend the motion to commit as follows:

"Refer it to the committee of ways and means, with instructions to incorporate in its provisions the authority to issue State scrip, redeemable by state bonds, and said bonds to be redeemed, so soon as the fund contemplated by said bill can be obtained—said scrip and bonds to bear interest, at the rate of six per cent. per annum;

Which motion to amend was decided in the negative.

The question recurring, on the motion to commit the bill to a committee of the whole for the present time, it was decided in the affirmative.

The House now, according to order, resolved itself into a committee of the whole, on the before mentioned bill, Mr. Henly in the chair; and after making sundry amendments thereto the committee rose, and the chairman reported progress and asked leave to sit again; which was granted by the House.

On motion,
The House adjourned until to-morrow morning at nine o'clock.

THURSDAY MORNING, DECEMBER 19, 1839.

The House met pursuant to adjournment.

The speaker laid before the House, a communication from Lucius H. Scott, Esq., one of our fund commissioners, enclosing a letter from Gen. Stapp, fund commissioner, dated New York, Dec. 11th., 1839;

Which was read: and

On motion of Mr. Edmonson, was referred to the committee on canals and internal improvements; and

On motion five hundred copies were ordered to be printed, together with the report from Mr. Scott made on yesterday to the House.

On motion of Mr. Cutter,

Mr. Allison was added to the select committee on the subject of the Bloomington University.

The Speaker laid before the House the following report from the board of internal improvement:

*Office of the State Board of Internal Improvement.
Indianapolis, Dec. 16th., 1839.*

The Hon.

The House of Representatives:

There have been laid before the State board of internal Improvement, two resolutions of the House of Representatives of the 9th instant.

1st. "Instructing the board to report to the House, as soon as practicable, what number of their own body can be dispensed with, if not all; and what number of engineers, assistants, &c., with the salaries of each, and the aggregate amount thus annually saved to the State;" and

2d. "What amount of the defalcation of David Burr, late one of the members of the board, remains unpaid; and whether any measures have been taken, to secure its collection."

In answer to the inquiries propounded in the first named resolution, the board would respectfully refer the House, to the suggestions made by the board, in their recent annual report, as containing their views of the probable effects of the present suspension of operations on the public works, both as to the reduction of the engineer corps, and so far as it was then or is now deemed proper to speak of themselves, the services that might still be required of them as a board.

The information sought by the second resolution, cannot be furnished by the board, officially, in as much as the law gives no authority to the board to take measures to collect or secure defalcations of the kind mentioned in the resolution, nor indeed to know, what steps have been taken, nor the amount of the defalcation at this time; but would respectfully refer the inquiries, on that subject, to the board of fund commissioners.

Very respectfully,
NOAH NOBLE,
 Pres. of the Board.

Which was referred to the committee on canals and internal Improvements.

The Speaker laid before the House the report of the President of the Levenworth and Bloomington rail road company;

Which was read and referred to the committee on canals and internal improvements.

Mr. Miller presented the petition of Charles Fullerton, praying to be divorced from his wife Eleanor;

Which was referred to a select committee of Messrs. Miller, Carleton of F., Eccles, Parker, Lane, Hunt of J., and Robinson of J.

Mr. Frisbie presented the petition of C. C. Graham and others, that a part of Gibson be attached to Warwick;

Which was referred to a select committee of Messrs. Frisbie, Jones, and Miller.

Mr. Fitch presented the petition of Thomas Skinner and others, for a change of the State road leading from Logansport in Cass county to the county seat of Noble county;

Which was referred to the committee on roads.

Mr. Jencks presented the petition of Harriet B. Williams and others, asking a confirmation of title to real estate;

Which was referred to a select committee of Messrs. Jenckes, Cutter and Osborn of C.

Mr. Dunn presented the petition of William Douglass and others, praying a repeal of the law incorporating civil townships in Clinton county;

Which was referred to the same select committee to which the same subject was heretofore referred.

Mr. Osborn of C., from a select committee, made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of S. Thomas and others praying to be indemnified for certain expences by them incurred in the apprehension of horse thieves, have had the same under consideration and have instructed me to report the following bill:

No. 65, a bill for the relief of Nicholas Cromwell and others;

Which was read a first time and passed to a second reading.

On motion of Mr. Morrison,

Resolved, That the committee on agriculture be instructed to inquire into the expediency of establishing an agricultural school or college for the benefit of this State, in which the science, combined with practice of agriculture shall be taught; with leave to report by bill or otherwise.

On motion of Mr. Shields,

Resolved, That the judiciary committee be instructed to inquire whether the provision of the thirteenth section of an act regulating the practice in suits at law: approved Jan. 29. 1831, applies to suits commenced in the Probate court, and if not to inquire into the propriety of so extending the same;

With leave to report by bill or otherwise.

On motion of Mr. Nelson of B.,

Resolved, That the committee on roads be instructed to inquire into the expediency of so amending the 26th section of the road law, as to make it the duty of each supervisor, to make out a list of all the lands in his road district, and make return to the clerk of the county court, on or before the first of June in each year, with leave to report by bill or otherwise.

Mr. Judah moved that the lobbies be cleared, and that the House proceed with business, in secret session;

Which motion was decided in the affirmative.

The lobbies were cleared accordingly; and Mr. Judah introduced.

No 66, a bill to amend a law concerning domestic attachments;

Which was read three several times and passed; the rule being suspended.

Ordered, That the Senate be informed thereof.

The House now, again, proceeded to business, with open doors.

On motion of Mr. Wilson of M.,

Resolved, That the board of internal improvement be instructed to report to this House, as soon as practicable, what has been done, in relation to the location of the intersecting point of the northern end of the central canal, with the Wabash and Erie canal, in compliance with a joint resolution of last session of the Legislature, on that subject.

Resolved further, That if no action has been had on that subject; that the board, together with the principal engineer, be requested to lay before this House a detailed statement of the difference in the cost of construction, with the advantage of water power, on the general routes proposed, as practicable.

Mr. Cutter offered for adoption the following resolution:

Resolved, That the judiciary committee be instructed to inquire into the expediency of so amending the act entitled an act regulating the practice at law, so that hereafter it shall be optional with the party bringing a suit in any court of justice within this State, upon any sealed instrument, article of agreement, bond or note of hand, to declare upon the same in the usual technical forms which are now prac-

ticed, or simply file the instrument which is the foundation of the action, and the defendant shall answer accordingly, in a plain succinct manner, and that an action of assumpsit may be brought and sustained upon notes under seal.

Mr. Robinson of J. moved to change the reference to the same select committee having the subject of a change in the law regulating the jurisdiction of justices of the peace under consideration;

Which motion was decided in the negative.

The resolution was then adopted.

Mr. Osborn of Clay offered the following resolution:

Resolved, That the House of Representatives, when it adjourns on Saturday next, stand adjourned until Monday the 30th inst., at nine o'clock; (the Senate concurring.)

Mr. Flint moved to lay the resolution upon the table;

And the ayes and noes being requested thereon, by Messrs. Osborn of F. and Allison,

Those who voted in the affirmative were:

Messrs. Albertson, Allison, Arnold, Baker, Bell, Bennett, Berkshire, Bowles, Buckles, Burk, Campbell, Clark, Cogswell, Conaway-Cooper, Cox, Dunn, Eccles, Everts, Finch, Fisher, Flint, Foster, Frisbie, Garigus, Haddon, Hamer, Hamblen, Herriman, Hunt of R., Jackson, Johnson, Jones, Judah, Lane, Lancaster, Lanius, Long, McCormack, McCoy, Miller, Milroy, Monroe, Montgomery, Moore of O., Moore of V., Morgan, Morrison, Nelson of M., Osborn of F., Osborn of U., Parker, Perry, Rippey, Robinson of Ripley, Robinson of Rush, Rush, Sands, Shields, Southard, Spann, Stewart, Wariner, Wheeler, Wilson of M., Wilson of W., Worster, Zenor and Mr. Speaker—68.

Those who voted in the negative were:

Messrs. Atherton, Butler, Carleton of F., Carlton of L., Coats, Cutter, Davis, Edmonson, English, Farley, Fitch, Gardner, Henly, Hull, Hunt of J., Jamison, Jenckes, Lee, McGaughey, Nelson of B., O'Neill, Osborn of C., Perviance, Porter, Robinson of J., Shiveley, Sweetser, Thompson, White and Woodard—30.

So the resolution was laid upon the table.

Mr. Fitch offered for adoption the following resolution:

Resolved, That when this House adjourns on Tuesday next, it will adjourn until Wednesday the second of January 1840; the Senate concurring therein.

Mr. Miller moved to amend the resolution, by striking out "Wednesday the second of January 1840," and insert in lieu thereof "the first Monday in December next."

Mr. Albertson moved to lay the resolution upon the table;

And the ayes and noes being requested thereon by Messrs. Albertson and Jones.

Those who voted in the affirmative were:

Messrs. Albertson, Allison, Baker, Beckett, Bell, Bennett, Berkshire, Bowles, Buckles, Burk, Campbell, Carlton of L., Coats, Conaway, Cooper, Cox, Cutter, Davis, Dunn, Eccles, Edmonson, English, Finch, Fisher, Flint, Foster, Frisbie, Gardner, Garrigus, Haddon, Hamer, Hamblen, Herriman, Hull, Hunt of R., Jackson, Johnson, Jones, Judah, Lane, Lancaster, Lanius, Long, McCormack, McCoy, Miller, Milroy, Monroe, Montgomery, Moore of O., Moore of V., Morgan, Morrison, Nelson of B., Nelson of M., O'Neill, Osborn of F., Osborn of U., Perry, Perviance, Porter, Rippey, Robinson of Ripley, Robinson of Rush, Sands, Shields, Southard, Spann, Stewart, Sweetser, Thompson, Warriner, Wheeler, Wilson of M., Wilson of W., Worster, Zenor and Mr. Speaker—78.

Those who voted in the negative were:

Messrs. Arnold, Atherton, Butler, Carleton of F., Clark, Cogswell Everts, Farley, Fitch, Henly, Hunt of J., Jamison, Jenckes, Lee, McGaughey, Osborn of C., Parker, Robinson of J., Rush, Shiveley, White and Woodard—22.

So said resolution was laid upon the table.

Mr. Osborn of F. made the following report:

MR. SPEAKER—

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bills of the House entitled acts, viz:

No. 15, an act to provide for the election of a justice of the peace in the town of Manhattan in Putnam county.

No. 2, an act for the relief of the collector of Laporte county,

And find the same truly enrolled; whereupon,

The Speaker signed the same.

Ordered, That the clerk carry them to the Senate for the signature of their President.

Mr. Allison introduced the following resolution:

Resolved, That this House will not adjourn more than one day in succession, during the present session.

Mr. Carleton of F. moved to lay the resolution upon the table;

Which motion was decided in the affirmative.

Mr. Foster offered the following resolution:

Resolved, That when this House adjourns on Saturday next, that it

adjourn until the twenty-seventh instant—the Senate concurring therein.

Mr. Edmonson moved to lay the resolution on the table;

And the ayes and noes being requested thereon by Messrs. Lane and Edmonson,

Those who voted in the affirmative were:

Messrs. Albertson, Allison, Arnold, Baker, Bennett, Berkshire, Buckles, Burk, Campbell, Carleton of F., Carlton of L., Clark, Cogswell, Conaway, Cutter, Davis, Dunn, Edmonson, English, Everts, Flint, Frisbie, Gardner, Garrigus, Haddon, Hamer, Hamblen, Henly, Herriman, Hull, Hunt of R., Jackson, Jamison, Jenckes, Johnson, Jones, Judah, Lane, Lancaster, Lanius, Long, McCormack, McCoy, Miller, Milroy, Monroe, Montgomery, Moore of O., Moore of V., Morgan, Morrison, Nelson of M., O'Neill, Osborn of F., Osborn of U., Parker, Perry, Perviance, Porter, Rippey, Robinson of Ripley, Rush, Sands, Shields, Shiveley, Southard, Spann, Stewart, Thompson, Warriner, Wheeler, Wilson of M., Wilson of W., Worster, Zenor and Mr. Speaker—76.

Those who voted in the negative were:

Messrs. Atherton, Beckett, Bell, Bowles, Butler, Coats, Cooper, Cox, Farley, Finch, Fitch, Foster, Hunt of J., Lee, McGaughey, Nelson of B., Osborn of C., Robinson of J., Robinson of Rush, Sweetser, White and Woodard—22.

So said resolution was laid upon the table.

Mr. Cutter offered for adoption the following resolution:

Resolved, That this House does most heartily disapprove and condemn the attempts made by the newspapers of either party to influence party spirit within this House, and abuse and villify the members, and that we will discountenance any farther such unworthy attempts, but exert ourselves to preserve harmony and good feeling among ourselves that we may the better discharge our duties to our constituents and the State, and leave our political battles to be fought when we have more leisure, and when the dearest interests of the people will not be hazarded as they now may be, by the useless and disorganizing excitement of the partizan press.

Mr. Bowles moved to indefinitely postpone the resolution;

Which motion was decided in the negative.

Mr. Herriman moved to amend the resolution, by adding the following:

“Particularly that part which says: “At a whig meeting of a large majority of the whig members of the Senate and House of Representatives of the State of Indiana, held at the State House;” when, in fact, it was held as a private meeting in the Supreme court room.”

Mr. Long moved that the resolution and proposed amendment be laid upon the table;

Which motion was decided in the affirmative.

Mr. Osborn of F. made the following report:

MR. SPEAKER—

The joint committee on enrolled bills report that they did this day present to His Excellency the Governor for his approval and signature the following bills of the Senate, viz:

No. 4, a joint resolution relating to the duty of the enrolling clerks of the two Houses of the general assembly.

No. 9, an act to authorize Thomas Goudy, senr., to build a mill dam across Eel river in Wabash county.

A message from the Senate by Mr. Test, their Secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that the Senate has passed an engrossed bill of the House No. 66, entitled "an act to amend the laws concerning domestic attachments, with amendments; in which the concurrence of the House is respectfully requested.

And I am further directed to request the House to act thereon with closed doors.

The House, in pursuance of the request of the Senate, now proceeded, with closed doors, to the consideration of the amendments of the Senate, to the before mentioned bill; which were concurred in.

Ordered, That the clerk inform the Senate thereof.

Mr. Hunt of J. introduced

No. 57, a joint resolution, in relation to Edward M. Beckwith;

Which was read the first time and passed to a second reading on to-morrow.

Mr. McCoy introduced

No. 68, a joint resolution in relation to State bonds;

Which was read the first time and passed to a second reading on to-morrow.

Mr. Judah introduced

No. 69, a bill for the relief of contractors and for a judicious continuation of the public works, without increase of taxation;

Which was read the first time; when

Mr. Bennet moved to dispense with the rule and read the bill a second time, now;

Which motion was decided in the negative.

On motion of Mr. Hunt of J., 500 copies of the bill were ordered to be printed.

The bill was ordered to a second reading on to-morrow.

Mr. Bowles introduced

No. 70, a bill to incorporate the Orange county Female Seminary;

Which was read the first time and passed to a second reading on to-morrow.

On motion,

The House adjourned until two o'clock P. M.

Two o'clock, P. M.

The House met pursuant to adjournment; and

Mr. Cogswell moved that the rule be dispensed with, and he have leave to introduce a resolution;

Which motion was decided in the negative.

The House now proceeded to the orders of the day; and according to order, again resolved itself into a committee of the whole, on the bill of the House, No. 40, for the relief of unpaid contractors, on public works, Mr. Henly in the chair; and after some time spent therein, the committee rose, and the chairman reported the bill and amendments to the House; and asked to be discharged from the further consideration thereof.

On motion,

The committee was discharged accordingly.

Mr. Morrison reports:

MR. SPEAKER—

The joint committee on enrolled bills have compared the engrossed bill of the House, with the enrolled bill thereof, of the following title to-wit:

No. 66, an act to amend the law concerning domestic attachments; and find the same truly enrolled.

Whereupon, The Speaker signed the same.

Ordered, That it be carried to the Senate for the signature of their President.

On motion,

The House adjourned until to-morrow morning at nine o'clock.

FRIDAY MORNING, DECEMBER 20, 1839.

The House met pursuant to adjournment.

The Speaker laid before the House a communication from Lucius H. Scott, Esq., in reference to bonds sold to a company in Madison; which was referred to the committee on canals and internal improvements.

Mr. Monroe presented the petition of Hugh M'Pheeters, Jeremiah Rowland and others, for an extra term of the Washington circuit court;

Which was referred to a select committee of Messrs. Monroe, Morrison and Shields.

Mr. Frisbie presented the petition of James K. Kirkpatrick and others, praying that a part of Gibson be attached to the county of Warrick;

Which was referred to the same select committee heretofore appointed on the subject.

Mr. Osborn of C., presented the petition of George B. Zenor and others, praying that the acts of justices of the peace, in Clay county may be legalized, and for other purposes;

Which was referred to a select committee of Messrs. Osborn of Clay, Jenckes and Davis.

Mr. Dunn presented the petition of Lucian Davison Greggs for a road from Frankfort in Clinton county, to Adam's Mill, in Carroll county;

Which was referred to the committee on roads.

Mr. Sweetser presented the petition of Janet S. M'Onat, praying that additional powers may be granted to the Marion Probate Court, for the purpose of selling real property, belonging to her deceased husband's estate;

Which was referred to a select committee of Messrs. Sweetser, Johnson and Baker.

Mr. Carlton of L., presented the petition of Isaac Fish, collector of Lawrence county; praying an additional time to complete the payment of the revenue of said county;

Which was referred to the committee of ways and means.

Mr. Porter presented the petition of Jacob Walker and others, of Tippecanoe county, praying that real property may not be sold on execution, for less than two thirds of its appraised value; which was referred to the judiciary committee.

Mr. Hunt of R., presented the petition of William Vail and others, on the subject of the agent of the surplus revenue in Jay county;

Which was referred to a select committee of Messrs. Hunt of R., Buckles and Thompson.

Mr. White presented the petition of William H. Jenners and others, of Tippecanoe county, against the passage of a valuation law;

Which was referred to the judiciary committee.

Mr. English moved to add Mr. M'Cormack to the committee on the

State Library in the place of Mr. Fisher; also,

Mr. Gardner to the committee on military affairs in the place of Mr. Zenor; also,

Mr. Warriner to the committee on corporations, in the place of Mr. Osborn of Franklin:

Which motion was decided in the affirmative.

Mr. Finch made the following report:

MR. SPEAKER—

The judiciary committee have had under their consideration, a resolution of this House, directing an inquiry into the constitutionality of so much of the law concerning vagrants, as relates to persons over the age of 21 years; and have directed me to report:

That they can see no constitutional objection to the law in question; and deem any additional legislation on the subject unnecessary;

Which report was concurred in.

Mr. Lane, from the committee on canals and internal improvements, to which was referred, No. 48, a joint resolution relating to contractors on public works, reported the same back to the House, with one amendment;

Which was concurred in by the House.

Mr. Long moved further to amend, by adding the following:

"*Provided*, That in all cases, the estimate as aforesaid, shall be made with a view to the relative value of the whole work, included in said contract."

Mr. Wilson of M., moved to amend the amendment, by adding thereto the following:

"Also, to take into consideration the actual damages to any contractor, by the abandonment of his contract;"

Which amendment was not adopted.

Mr. Thompson moved the following amendment to the amendment, to wit:

"It shall also be the duty of the Engineer, taking such estimate, to estimate the value of shantees, and other preparation necessary to the commencement and prosecution of their contracts, and give said contractors a certificate for such amount, together with any loss that may be sustained, in the sale of tools and other property;"

Which amendment, to the amendment, was not adopted.

The amendment, offered by Mr. Long, was then adopted.

On motion of Mr. Lane,

The joint resolution was considered as engrossed, read a third time and passed—the rule being suspended.

Ordered, That the clerk inform the Senate thereof.

Mr. Sweetser made the following report:

MR. SPEAKER—

The committee on corporations to whom was referred the petition of the trustees and members of the New Harmony Working Men's Institute praying an amendment to their charter, have had the same under consideration, and directed me to report the following bill

No. 71, a bill to amend an act entitled "an act to incorporate the New Harmony Working Men's Institute for Mutual Instruction;"

Which was read the first time and passed to a second reading on to-morrow.

Mr. Atherton made the following report:

MR. SPEAKER—

The select committee, to which was referred, the petition of David Pickard and others, relative to a justice of the peace in the town of Alexandria, have had the same under consideration, and have requested me to report the following bill:

No. 72, a bill to provide for the election of a justice of the peace in the town of Alexandria, in Madison county;

Which was read the first time and passed to a second reading on to-morrow.

A message from the Senate, by Mr. Test their Secretary.

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that the Senate has adopted the following resolution:

Resolved, That when the Senate adjourns on the 24th inst., it will adjourn until the 2d day of January, 1840, the House of Representatives concurring therein.

The resolution, in the above message, was read; when

Mr. Baker moved to amend, by adding the following:

"And during said recess, the members of each branch of the Legislature and officers to the House and Senate, shall not be entitled to pay from the State for their services."

Mr. Judah moved to amend the amendment, by adding the following words, to wit:

"Who leave Indianapolis."

Mr. Edmonson moved to lay the resolution and amendment upon the table.

And the ayes and noes being requested thereon, by Messrs. Edmonson and Lane,

Those who voted in the affirmative were:

Messrs. Albertson, Allison, Arnold, Atherton, Baker, Beckett, Bennett, Berkshire, Bowles, Campbell, Clark, Cogswell, Conaway, Coop-

er, Cox, Davis, Eccles, Edmonson, Fisher, Flint, Foster, Frisbie, Gardner, Garrigus, Haddon, Hamer, Hamblen, Henly, Herriman, Hull, Jackson, Johnson, Jones, Lane, Lancaster, Lanius, Long, Miller, Milroy, Monroe, Montgomery, Moore of V., Morgan, Morrison, Nelson of M., O'Neill, Osborn of F., Osborn of U., Perry, Perviance, Rippey, Robinson of Ripley, Robinson of Rush, Sands, Shields, Southard, Spann, Stewart, Sweetser, Warriner, Wheeler, White, Wilson of W., Worster, Zenor, and Mr. Speaker—62.

Those who voted in the negative were:

Messrs. Bell, Buckles, Burk, Butler, Carleton of F., Carlton of L., Coats, Cutter, Dunn, English, Everts, Farley, Finch, Fitch, Hunt of J., Hunt of R., Jamison, Jenckes, Judah, Lee, McCormack, McCoy, McGaughey, Moore of O., Nelson of B., Osborn of C., Parker, Rush, Thompson, and Woodard—30.

So said resolution and amendments were laid upon the table.

Mr. McCoy moved to reconsider the vote, on a resolution offered by Mr. Osborn of C., on yesterday, and laid upon the table, providing for an adjournment of the two Houses; and on the question, shall the vote, laying said resolution on the table be reconsidered?

The ayes and noes being requested thereon, by Messrs. Perry and Long,

Those who voted in the affirmative were:

Messrs. Atherton, Bell, Berkshire, Buckles, Butler, Carleton of F., Carlton of L., Coats, Cooper, Cox, Cutter, Davis, Dunn, Eccles, English, Everts, Farley, Finch, Fitch, Hull, Hunt of J., Hunt of R., Jackson, Jamison, Jenckes, Lee, McCormack, McCoy, McGaughey, Moore of O., O'Neill, Parker, Perviance, Porter, Robinson of J., Robinson of R., Rush, Spann, Thompson, Wheeler, Woodard, and Worster—42.

Those who voted in the negative were:

Messrs. Albertson, Allison, Arnold, Baker, Bennett, Burk, Campbell, Clark, Cogswell, Conaway, Edmonson, Flint, Fisher, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamer, Hamblen, Henly, Herriman, Johnson, Jones, Lane, Lancaster, Lanius, Long, Miller, Milroy, Monroe, Montgomery, Moore of V., Morgan, Morrison, Nelson of B., Nelson of M., Osborn of C., Osborn of F., Osborn of U., Perry, Rippey, Robinson of Rush, Sands, Shields, Southard, Stewart, Warriner, White, Wilson of M., Wilson of W., Zenor, and Mr. Speaker—53.

So said vote was not reconsidered.

Mr. Hunt of J., moved for adoption the following resolution:

Resolved, That this House will adjourn from Saturday the 21st inst., until the Friday following, the Senate concurring therein.

Mr. Cutter moved to lay the resolution upon the table;

Which motion was decided in the affirmative.

Mr. Eccles offered for adoption the following resolution:

Whereas the Lawrenceburgh and Indianapolis rail road company have borrowed from the State of Indiana \$221,000 of State bonds, and whereas the said company gave mortgages on real estate to secure the payment of the same. And whereas it appears by the report of the State board of internal improvement of said State that the said Lawrenceburgh and Indianapolis rail road company, have surrendered their charter to the Treasurer of State.

Therefore resolved, that a select committee of three be appointed to examine into said Charter and the mortgages given by said company, to examine whether said mortgages or any of them ought to be foreclosed and what is the situation of the said concern and report the same to this House as soon as practicable, and report the names of the persons holding the money of said late corporation, and the amount held by each.

Mr. Judah moved to change the reference of the resolution to the committee of Ways and means, instead of a select committee of three:

Which motion was decided in the affirmative.

The resolution was then adopted.

On motion of Mr. Albertson,

Resolved, That a select committee be appointed to inquire into the propriety of either erecting or renting a fire proof office for the Secretary of State, so that the archives of State, may be rendered more secure from loss by fire.

Messrs. Albertson, Sweetser and Johnson were appointed the committee.

Mr. Wilson of M. moved the following resolution, which was adopted to wit:

Resolved, That the committee on canals and internal improvements be instructed to inquire into the expediency of reporting a bill to this House, authorising the board of internal improvements, to allow all contractors, whose contracts may be rescinded, by a failure or inability, on the part of the State, to pay them, a reasonable compensation for the damages they may sustain.

Mr. Judah moved to take from the table, the resolution from the Senate, in reference to an adjournment of the two Houses;

Pending which motion,

The House adjourned until two o'clock, P. M.

Two o'clock, P. M.

The House met pursuant to adjournment; and,

Resumed the consideration of the question, to take from the table

the adjourning resolution of the Senate; on the question shall the vote laying said resolution on the table be reconsidered?

The ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Allison, Bell, Campbell, Clark, Cogswell, Conaway, Davis, Eccles, English, Everts, Farley, Finch, Fitch, Henly, Hunt of J., Hunt of R., Jackson, Jamison, Jenckes, Judah, Lancaster, Lee, Moore of O., McCormack, M'Gaughey, Nelson of B., O'Neill, Osborn of C., Parker, Perviance, Robinson of R., Rush, Sweetser, Thompson, and Woodard—38.

Those who voted in the negative were:

Messrs. Albertson, Arnold, Atherton, Berkshire, Beckett, Bowles, Bennett, Buckles, Burk, Butler, Carleton of F., Carlton of L., Coats, Cooper, Cox, Cutter, Edmonson, Fisher, Flint, Foster, Frisbie, Gardner, Garrigus, Haddon, Hamer, Hamblen, Herriman, Hull, Johnson, Jones, Lane, Lanius, Long, Miller, Milroy, Monroe, Montgomery, Moore of V., Morgan, Morrison, Osborn of F., Osborn of U., Perry, Rippey, Robinson of Rush., Sands, Shields, Southard, Spann, Stewart, Wheeler, White, Wilson of M., Wilson of W., Worster, Zenor, and Mr. Speaker—53.

So said vote was not reconsidered.

Mr. Fitch introduced

No. 73, a bill for the relief of contractors on the Wabash and Erie canal, and for other purposes;

Which bill was read the first time, and passed to a second reading.

Mr. Johnson introduced

No. 74, a bill to legalize the time of holding the sessions of the board of commissioners of the county of Marion;

Which was read the first time and passed to a second reading.

Mr. Long introduced

No. 75, a bill for the immediate relief of contractors and others engaged in the public works;

Which was read the first time and passed to a second reading.

The House now proceeded to the consideration of the orders of the day.

The question pending, being on concurring in the amendments made, in committee of the whole, on yesterday, to the bill of the House, No. 40, for the relief of unpaid contractors on public works.

The House concurred in the first and second amendments.

The third amendment, was to add to the end of the third section, the following words, to wit:

"Provided said bonds shall not be sold at a less price than they have usually been sold heretofore."

On the question of its adoption,

The ayes and noes being requested thereon by Messrs. Thompson and Burk,

Those who voted in the affirmative were:

Messrs. Allison, Atherton, Baker, Beckett, Bell, Bennett, Berkshire, Burk, Butler, Campbell, Carleton of F., Carlton of L., Coats, Cooper, Cox, Cutter, Davis, Dunn, Everts, Farley, Fitch, Flint, Haddon, Hamer, Hunt of R., Jackson, Jamison, Jenckes, Johnson, Jones, Judah, Lancaster, Lee, Long, M'Gaughey, Miller, Montgomery, Moore of O., Morgan, O'Neill, Osborn of C., Osborn of F., Parker, Perviance, Robinson of J., Robinson of Ripley, Rush, Shields, Spann, Sweetser, Thompson, Warriner, Wilson of M., Woodard, Zenor and Mr. Speaker—56.

Those who voted in the negative were:

Messrs. Albertson, Arnold, Bowles, Buckles, Clark, Cogswell, Conaway, Eccles, Edmonson, English, Fisher, Foster, Frisbie, Gardner, Garrigus, Hamblen, Henly, Hull, Hunt of J., Lane, Lanius, McCormack, M'Coy, Milroy, Monroe, Moore of V., Morrison, Nelson of B., Osborn of U., Perry, Porter, Rippey, Robinson of Rush, Sands, Southard, Stewart, Wheeler, White, Wilson of W., and Worsster—40.

So said amendment was adopted.

Mr. Judah moved further to amend the bill by inserting the following, to wit:

"The principal and interest of said bonds, to be payable in New York, within five years, at the pleasure of the State."

The ayes and noes being requested by Messrs. Judah and Edmonson.

Those who voted in the affirmative were:

Messrs. Allison, Atherton, Beckett, Bell, Bennett, Berkshire, Burk, Butler, Campbell, Coats, Cooper, Cox, Cutter, Dunn, Everts, Flint, Hamer, Hunt of J., Hunt of R., Jackson, Jamison, Jenckes, Jones, Judah, Lancaster, McGaughey, Montgomery, Morgan, O'Neill, Osborn of C., Parker, Robinson of J., Robinson of R., Rush, Spann, Thompson, Wilson of M., Woodard, and Zenor—39.

Those who voted in the negative were:

Messrs. Albertson, Arnold, Baker, Bowles, Buckles, Carleton of F., Carlton of L., Clark, Cogswell, Conaway, Davis, Eccles, Edmonson, English, Farley, Fisher, Fitch, Foster, Frisbie, Gardner, Garrigus, Haddon, Hamblen, Henly, Hull, Johnson, Lane, Lanius, Lee, Long, McCormack, McCoy, Miller, Milroy, Monroe, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of F., Osborn

of U., Perry, Perviance, Porter, Rippey, Robinson of Rush, Sands, Shields, Southard, Stewart, Sweetser, Warriner, Wheeler, White, Wilson of W., Worster, and Mr. Speaker—58.

So said amendment was not adopted.

Mr. Fisher moved to amend by adding to the third section the following:

“And that he (the commissioner) be required to give the same bond and security now provided by law to be given by the fund commissioners;

Which amendment was adopted.

On motion of Mr. Sweetser,

The bill was ordered to be engrossed for a third reading on to-morrow.

A message from the Governor, by Mr. Moore his private secretary:

MR. SPEAKER—

I am directed by the Governor to inform the House of Representatives, that he did, on yesterday approve and sign acts which originated in the House of Representatives, of the titles following, to wit:

“An act for the relief of the collector of Laporte county.”

“An act to amend the law concerning domestic attachments.”

“An act to provide for the election of a justice of the peace in the town of Manhattan in Putnam county.”

On motion,

The House adjourned until to-morrow morning at nine o'clock.

SATURDAY MORNING, DECEMBER 21, 1839.

The House met pursuant to adjournment.

Mr. Wheeler made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of sundry citizens of the counties of Kosciusko and Wabash praying for the creation of a new county, have directed me to report a bill No. 76, to provide for the formation of the county of _____ and for other purposes.

Said bill was read the first time and passed to a second reading on to-morrow.

Mr. Eccles made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of Charles Fulerton praying to be divorced from Eleanor Fulerton, alias, Eleanor Millbourn, have, according to order, had the same under their consideration, and from an examination of the testimony produced to them, they are of opinion, that the petitioner is entitled to relief, and have directed me to report a bill

No. 77, a bill to dissolve the bonds of matrimony between Charles Fulerton and Eleanor Fulerton;

Which was read the first time and passed to a second reading on to-morrow.

A message from the Senate by Mr. Test their Secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of representatives that the Senate have passed engrossed joint resolutions of the House as follows:

No. 17, a joint resolution in relation to the claim of this state for lands to complete the Wabash and Erie canal.

No. 48, a joint resolution relating the contractors and others on the public works:

The latter without amendment—the first with an amendment in which the concurrence of the House is respectfully requested.

Also the Senate passed an engrossed bill thereof No. 15, entitled act to change the name of Germantown in Floyd county to that of Galena.

In which also the concurrence of the House is respectfully requested.

The amendment made by the Senate, to the joint resolution, mentioned in the message, was concurred in by the House.

The engrossed bill, No. 15, of the Senate, mentioned in the message, was read the first time.

Mr. Stewart moved that the rule be dispensed with, and the bill be read a second time now;

Which motion was decided in the negative. The bill was ordered to a third reading on to-morrow.

On motion of Mr. Stewart,

Resolved, That the committee on the State Bank be instructed to ascertain, of the State Bank and Branches, if they or either of them have made propositions to any person or persons, for the purpose of inducing the legislature to authorize them to issue notes of a less denomination than five dollars; and whether any proposition or insinuation has been held out to said persons, that said bank, or any or either of said branches, would loan this state a million of dollars or any other sum, in case they were allowed said privileges, and that said committee have leave to send for persons and papers, and report to

this House, as soon as practicable.

Mr. Robinson of Jefferson moved to change the reference of the resolution, from the committee on the state bank to a select committee of three;

Which motion was decided in the negative.

The resolution was then adopted.

On motion of Mr. M'Gaughey,

Resolved, That the judiciary committee be instructed to inquire into the expediency of so amending the law that hereafter it shall be the duty of the school commissioners of the several counties in this state, to foreclose by due course of law, all mortgages given to secure the school funds, to any of said commissioners upon failure of the mortgages to make payment according to the stipulations of the several mortgages; with leave to report by bill or otherwise.

On motion of Mr. Lane,

Resolved, That the state board of internal improvement be, and they are hereby required to report, as early as possible, to this House, the amount of money expended, since the third of December 1838, upon the White Water canal, between Brookville and the Ohio river; for repairs, tow bridges, bridges, basins, tumbles, state canal boats, and all other expenses, in completing said canal, incidental and contingent, of every description whatever; and how much of said sum has been paid, and how paid; the amount due and unpaid at this time, and how much it will require to complete the same, between the points aforesaid, together with the amount of interest accruing, upon the sum expended, in the construction of said canal, within the distance aforesaid, embracing, in said report, all expenses and amounts paid for damages, surveys, attorney's fees and commissioners, &c. &c.

On motion of Mr. Lane,

Resolved, That the State Board of internal improvement, be, and they are hereby requested to report to this House, as early as possible, the amount of money paid, upon the Madison and Indianapolis rail road, between the top of the river Hill and the town of Vernon, since the 3d of December 1838, for repairs for completing said rail road, within that distance, for iron, for cars, locomotives and every other description of expenses, within the time and distance aforesaid; whether contingent or otherwise; the amount paid and how paid, and how much due and unpaid, at this time, together with the amount of interest paid, or to be paid, upon the amount expended in the construction of said road, embracing every description of expenses, within the distance aforesaid, to the present time.

On motion of Mr. Cooper,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency and propriety of so amending the laws regulating distribution and dower to widows, that the exclusive allowance to any widow, out of the personal estate of her deceased husband may be in proportion to the number of children of such decedents, at the time of his death, which she has to support, with leave to report by bill or otherwise.

On motion of Mr. Rippey.

Resolved, That the committee on roads be instructed to enquire into the expediency of amending the 28th section of the road law, now in force, so that the county treasurer shall be required to pay the road tax that comes into his hands over to the proper supervisors of the several districts who shall expend the same on the roads in his district.

On motion of Mr. Morgan,

Resolved, That the committee of ways and means be instructed to enquire into the expediency of repealing so much of an act, pointing out the mode of levying taxes and fixing the per centum for the state purposes, approved February 15th, 1839, as requires the boards doing county business, to levy a tax for road purposes.

On motion of Mr. Allison,

Resolved, That the committee of ways and means be directed to report a bill to this House, repealing "an act to provide for an examination and report of the mineral resources of the state, and for other purposes," approved February 18th, 1839.

Mr. Jamison moved to take from the table, the resolution from the Senate on the subject of an adjournment of the two Houses.

And the ayes and noes being requested thereon by Messrs. Long and Bennett,

Those who voted in the affirmative were:

Messrs. Atherton, Bell, Berkshire, Bowles, Buckles, Burk, Butler, Carleton of F., Coats, Cooper, Cox, Cutter, English, Everts, Farley, Fitch, Henly, Hull, Hunt of J., Jackson, Jamison, Jenckes, Judah, Lancaster, Lee, M'Cormack, McCoy, McGaughey, Nelson of B., O'Neill, Osborn of C., Parker, Perviance, Porter, Robinson of J., Robinson of Ripley, Rush, Spann, Thompson, Woodard, and Worsster—41.

Those who voted in the negative were:

Messrs. Albertson, Arnold, Baker, Beckett, Bennett, Campbell, Carlton of L., Clark, Cogswell, Conaway, Davis, Dunn, Eccles, Edmonson, Fisher, Flint, Foster, Frisbie, Gardner, Garrigus, Haddon, Hamer, Hamblen, Johnson, Jones, Lane, Lanius, Long, Miller, Milroy, Monroc, Montgomery, Moore of O., Moore of V., Morgan, Morrison, Nelson of M., Osborn of F., Osborn of U., Perry, Robinson of Rush, Sands, Shields, Southard, Stewart, Sweetser, Warriner, Wheeler, White, Wilson of M., Zenor, and Mr. Speaker—52.

So said motion was decided in the negative.

Mr. Hunt of Jefferson moved that the previous orders of the day be suspended, and bill, No. 40, entitled a bill for the relief of unpaid contractors on the public works, be taken under consideration.

Mr. Long moved that the rules be suspended, and all bills on said subject be taken up;

Which motion did not prevail.

On the question, shall the previous orders of the day be suspended;
It was decided in the affirmative.

The question now recurred on the passage of the bill,
And the ayes and noes being requested thereon by Messrs. Bennet
and Judah,

Those who voted in the affirmative were:

Messrs. Albertson, Arnold, Bowles, Buckles, Carlton of L., Clark, Conaway, Davis, Eccles, Edmonson, English, Farley, Fisher, Fitch, Foster, Frisbie, Gardner, Garrigus, Haddon, Hamer, Hamblen, Henly, Herriman, Hull, Hunt of J., Hunt of R., Johnson, Lane, Lanius, Lee, Long, McCoy, Miller, Milroy, Monroe, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of F., Osborn of U., Perry, Perviance, Porter, Rippey, Robinson of Rush, Sands, Shields, Shiveley, Southard, Spann, Stewart, Sweetser, Warriner, Wheeler, White, Worster, and Mr. Speaker—59.

Those who voted in the negative were:

Messrs. Allison, Atherton, Baker, Beckett, Bell, Bennett, Berkshire, Burk, Butler, Campbell, Carleton of F., Coats, Cooper, Cox, Cutter, Dunn, Everts, Flint, Jackson, Jamison, Jenckes, Jones, Judah, Lancaster, McGaughey, Montgomery, Morgan, O'Neill, Osborn of C., Parker, Robinson of J., Robinson of Ripley, Rush, Thompson, Wilson of M., Woodard, and Zenor—37.

So said bill passed.

Mr. Cutter moved to postpone the previous orders of the day, and take up the bill of the House, No. 1, to abolish imprisonment for debt;

Which motion was decided in the negative.

The House now proceeded to the consideration of the orders of the day.

No. 41, a bill of the House, to amend an act entitled "an act to attach one-fourth of township No. 30, north of range 4, east, to the county of Fulton;

No. 42, a bill to amend an act entitled "an act fixing the time of holding courts in the fourth judicial circuit;

No. 43, a bill to amend an act entitled "an act organizing the Supreme court and defining its powers and duties, approved February 17, 1838.

No. 46, a bill regulating the jurisdiction of justices of the peace in Grant county;

No. 47, a bill to vacate the town of Economy in Gibson county;

No. 53, a bill for the relief of Julia Sims;

No. 54, a bill to repeal part of an act entitled "an act concerning Knox county;

No. 56, a bill to legalize certain acts of the board doing county business in the county of Dubois;

Were severally read the second time and ordered to be engrossed for a third reading on to-morrow.

No. 44, a bill to incorporate the Point Commerce Manufacturing and Trading company, was read the second time; and

On motion of Mr. Allison,

Referred to the committee on corporations.

No. 49, a bill relating to Osborn and Chamberlain, former printers to the House of Representatives, was read a second time; and

On motion of Mr. Cutter,

Referred to the committee on the judiciary.

No. 50, a bill to locate a State road from Spencer, in Owen county, to Anguilla in Clay county, was read a second time; and

On motion,

Referred to the committee on roads.

No. 51, a bill authorizing the Vanderburgh Lyceum to sell or donate, transfer or convey real estate, was read a second time; and

On motion of Mr. Butler,

Referred to the judiciary committee.

Mr. Hull now moved to postpone the previous orders of the day and take up a bill of the House, No. 11, for the relief of the collector of Fayette county;

t Which motion was decided in the affirmative.

Said bill was read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 52, a bill for the further improvement and final completion of the Michigan road, was read a second time; and

On motion,

Referred to the committee on canals and internal improvements.

No. 57, a bill supplemental to an act entitled "an act for the appointment of trustees to receive deeds for lots or lands given or purchased for the use of schools, meeting houses or masonic lodges, approved Feb. 10, 1831, was read a second time; when

Mr. Bowles moved to amend the bill, by adding thereto the following:

"That the provisions of this act shall extend to the Roman Catholic Church, and that the Bishop of any Dioces, or any other person or persons that the canons of the Romish Church may designate and appoint, are hereby authorized to receive a deed for any Catholic Church, to any lot or lands purchased by, or donated to them; and that such Bishop or other persons, and their successors, shall hold such lot or lands, in perpetual succession, in trust for the Catholic Church or congregation for which the same was purchased or which the same was donated."

Which amendment was adopted

Mr. Cutter moved to refer the bill to the committee on the judiciary.

Which motion was decided in the negative.

The bill was then ordered to be engrossed for a third reading.

No. 58, a bill to amend an act regulating the jurisdiction and duties of justices of the peace, was read a second time; and

On motion of Mr. Cooper,

Referred to the committee on the judiciary.

Mr. Sweetser moved to suspend the previous orders of the day, in order to take from the table the resolution from the Senate providing for an adjournment of the two Houses,

And the ayes and noes being requested thereon by Messrs. Long and Albertson,

Those who voted in the affirmative were:

Messrs. Atherton, Carleton of F., Carlton of L., Coats, Cooper, English, Everts, Farley, Fitch, Hamer, Henly, Hunt of J., Hunt of R., Jackson, Jamison, Jenckes, Lancaster, Lee, McCormack, McGaughey, Nelson of B., O'Neill, Osborn of C., Parker, Perviance, Porter, Robinson of J., Robinson of Ripley, Rush, Sweetser, Thompson, Woodward and Worster—33.

Those who voted in the negative were:

Messrs. Albertson, Allison, Arnold, Baker, Bell, Bennet, Berkshire, Bowles, Buckles, Burk, Campbell, Clark, Cogswell, Cox, Conway, Cutter, Davis, Dunn, Eccles, Edmonson, Flint, Foster, Frisbie, Gardner, Garrigus, Haddon, Hamblen, Johnson, Jones, Lanius, Long, McCoy, Monroe, Moore of O., Moore of V., Morgan, Morrison, Nelson of M., Osborn of F., Osborn of U., Perry, Rippey, Sands, Southard, Spann, Stewart, Warriner, Wheeler, White, Wilson of M., Zenor and Mr. Speaker—52.

So the previous orders of the day were not suspended.

On motion,

The House adjourned until two o'clock, P. M.

Two o'clock, P. M.

The House met pursuant to adjournment.

Mr. Morrison reports:

MR. SPEAKER—

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed joint resolution of this House,

No. 46, a joint resolution in relation to contractors and others, on the public works, and find the same truly enrolled,

Whereupon, the speaker signed the same.

Ordered, that the clerk carry it to the Senate for the signature of their President.

Resumed the consideration of the orders of the day.

No. 59, a bill for the relief of the collector of St. Joseph county,

was read a second time and ordered to be engrossed for a third reading on to-morrow.

No. 60, a bill to amend an act entitled "an act regulating Grist mills and Millers, approved February 10, 1831, was read a second time; when

Mr. Cutter moved to strike out the bill from the enacting clause and insert the following:

"That any Miller being of the society of Friends, commonly called Quakers, shall not be compelled to grind for distillation."

Mr. Nelson of B. moved that the bill and proposed amendment be laid upon the table,

And the ayes and noes being requested thereon, by Messrs. Judah and Perry,

Those who voted in the affirmative were:

Messrs. Allison, Beckett, Bell, Bowles, Campbell, Carleton of F., Conaway, Davis, Eccles, Edmonson, Flint, Herriman, Johnson, Lee, McCormack, McCoy, Moore of O., Nelson of B., Nelson of M., Osborn of U., Sands, Spann, Wheeler, and White—24

Those who voted in the negative were:

Messrs. Albertson, Arnold, Atherton, Baker, Bennett, Berkshire, Buckles, Burk, Butler, Carlton of L., Clark, Coats, Cogswell, Cooper, Cox, Cutter, Dunn, English, Everts, Farley, Fisher, Fitch, Frisbie, Gardner, Garrigus, Haddon, Hamer, Hamblen, Henly, Hull, Hunt of J., Hunt of R., Jackson, Jamison, Jenckes, Jones, Judah, Lane, Lancaster, Lanius, Long, Miller, Milroy, Monroc, Montgomery, Moore of V., Morgan, O'Neill, Osborn of C., Osborn of F., Parker, Perry, Perviance, Porter, Rippey, Robinson of J., Robinson of Ripley, Robinson of Rush, Rush, Shields, Southard, Sweetser, Thompson, Warriner, Wilson of M., Woodard, Worster Zenor and Mr. Speaker—69.

Mr. Herriman moved to amend by adding the following as an additional section, to wit:

"Be it further enacted, that an act entitled "an act allowing and regulating the writ of *ad quod damnum*, approved December 20th, 1823, be, and the same is hereby repealed;

Which motion to amend was decided in the negative.

Mr. Fisher moved to strike out the second section of the bill;

Which motion was decided in the affirmative.

The question recurring on the engrossment of the bill for a third reading.

And the ayes and noes being requested thereon by Messrs. Moore of O. and Herriman,

Those who voted in the affirmative were:

Messrs. Albertson, Arnold, Atherton, Baker, Bennett, Berkshire, Buckles, Burk, Butler, Carleton of F., Clark, Coats, Cogswell, Cooper, Cox, Davis, Dunn, Eccles, Everts, Farley, Fisher, Fitch, Flint, Foster, Frisbie, Gardner, Garrigus, Haddon, Hamblen, Henly, Hull, Jackson, Jenckes, Johnson, Jones, Judah, Lane, Lancaster, Long, Miller, Milroy, Montgomery, Moore of V., Morgan, O'Neill, Osborn of C., Osborn of F., Parker, Perry, Perviance, Porter, Rippey, Robison of Rush, Shields, Southard, Sweetser, Thompson, Warriner, Woodard, Worster and Mr. Speaker.—61.

Those who voted in the negative were:

Messrs. Allison, Beckett, Bell, Bowles, Campbell, Carlton of L., Cutter, Edmonson, Herriman, Hunt of J., Jamison, Lanius, Lee, McCormack, McCoy, Monroe, Moore of O., Nelson of B., Nelson of M., Osborn of U., Robison of J., Robinson of Ripley, Sands, Spann, Stewart, Wheeler, White, and Zenor—28.

Mr. Judah moved to postpone the previous orders of the day, that the resolution from the Senate, on the subject of an adjournment of the two Houses be taken from the table,

And the ayes and noes being requested thereon by Messrs. Edmonson and Long,

Those who voted in the affirmative were:

Messrs. Atherton, Berkshire, Bowles, Buckles, Burk, Butler, Carleton of F., Carlton of L., Coats, Cooper, Cox, Cutter, Davis, Eccles, English, Everts, Farley, Fitch, Foster, Hamer, Henly, Herriman, Hull, Hunt of J., Hunt of R., Jackson, Jamison, Jenckes, Judah, Lancaster, Lee, McCormack, McCoy, McGaughey, Milroy, Montgomery, Moore of O., Nelson of B., O'Neill, Osborn of C., Parker, Perviance, Porter, Robinson of J., Robinson of Ripley, Robinson of Rush, Rush, Shields, Southard, Sweetser, Thompson, Woodard and Worster—52.

Those who voted in the negative were:

Messrs. Albertson, Baker, Bell, Bennett, Campbell, Clark, Cogswell, Conaway, Dunn, Edmonson, Fisher, Flint, Frisbie, Gardner, Garrigus, Haddon, Hamblen, Johnson, Jones, Long, Miller, Monroe, Moore of V., Morgan, Nelson, of M., Osborn of F., Osborn of U., Perry, Sands, Spann, Stewart, Warriner, Wheeler, White, Zenor and Mr. Speaker—36.

So the previous orders of the day were postponed; and

On motion of Mr. Judah,

The resolution of the Senate, above referred to, was taken up.

Mr. Morgan moved to amend said resolution, as follows:

Strike out the words "2d day of January 1840," and insert "Monday the 30th inst;"

Which motion did not prevail.

The question recurring on concurring in the resolution of the Senate,

And the ayes and noes being requested thereon by Messrs. Conaway and Jones,

Those who voted in the affirmative were:

Messrs. Atherton, Berkshire, Bowles, Buckles, Burk, Butler, Carleton of F., Carlton of L., Coats, Cooper, Cox, Cutter, Davis, Everts, English, Farley, Fitch, Henly, Hull, Hunt of J., Jackson, Jamison, Jenckes, Judah, Lancaster, Lec, McCormack, McCoy, McGaughey, Nelson of B., O'Neill, Osborn of C., Parker, Perviance, Porter, Robison of J., Robinson of Ripley, Rush, Southard, Thompson, Woodard, and Worster—43.

Those who voted in the negative were:

Messrs. Albertson, Allison, Arnold, Baker, Bennett, Campbell, Clark, Cogswell, Conaway, Edmonson, Fisher, Flint, Foster, Frisbie, Gardner, Garrigus, Haddon, Johnson, Jones, Lane, Long, Miller, Monroe, Montgomery, Moore of O., Moore of V., Morgan, Morrison, Osborn of F., Osborn of U., Perry, Robinson of Rush, Sands, Spaun, Stewart, Sweetser, Warriner, Wheeler, White, Wilson of M., Zenor and Mr. Speaker.—42.

So said resolution was concurred in by the House;

Ordered, That the clerk inform the Senate thereof.

MR. SPEAKER—

I am directed by the Governor to inform the House of Representatives, that he has this day approved and signed a joint resolution which originated in the House of Representatives, entitled:

"A joint resolution in relation to contractors and others on the public works."

On motion,

The House adjourned until Monday morning next, at nine o'clock.

MONDAY MORNING, DECEMBER 23, 1839.

The House met pursuant to adjournment.

The Speaker laid before the House a communication from John Livingston, Esq., printer to the House of Representatives, on the subject of the number of copies to be printed, of the Journal of the House, for the present session.

Mr. Moore of O. moved to refer the communication to the committee of ways and means.

Mr. Bowles moved to change the reference to a "select committee," instead of the "committee of ways and means."

Mr. Stewart moved to lay the communication upon the table;

Which motion was decided in the affirmative.

Mr. Jones presented the petition of Jos. V. Hull, N. Johnson and others, praying an additional term of the Spencer circuit court;

Which was referred to the committee of the judiciary.

Mr. Johnson presented the petition of James Killough and others, of Marion county, for an additional justice of the peace in said county for the town of Bridgeport;

Which was referred to a select committee of Messrs. Johnson, Sweetser and Beckett.

Mr. Farley presented the petition of Greenbery Mullinnek and others praying for the repeal of the act, passed at the last session of the General Assembly, to incorporate the Greencastle Savings Institution and Trading and Manufacturing company;

Which was referred to the committee on corporations.

Mr. Hunt of R. presented the petition of Jesse Carter and others, praying for the location of a State road from Frankfort in Clinton county to Adams' Mill in Carroll county;

Which was referred to the committee on roads.

Mr. Spann presented the petition of John T. Johnson and others, for the repeal of a certain part of the school law;

Which was referred to the committee on education.

Mr. Jenckes presented the following protest; which was ordered to be placed upon the Journal of the House, to wit:

The undersigned availing themselves of their constitutional right, offer the following protest against the act entitled "an act for the relief of unpaid contractors on the public works," for the following among other reasons:

That it is deceptive, *because* it purports to be an "act for the relief of unpaid contractors," whereas it is an act for the sale of the eastern suspended debt, and if the law is carried out according to its letter and spirit no relief will be afforded to the contractors without the passage of another act expressly for that object.

Because it is an act to increase the fund commissioners from two to

three notwithstanding the last Legislature reduced the board to two and there is now not the least necessity for such increase.

Because it will spend a large sum of the public money without any adequate compensation in return.

Because the security required of the commissioner is so small in amount as to be in effect merely nominal.

Because the office of special commissioner may be filled by one who may make an exparte report and who may use his position to asperse the fund commissioner, that have preceeded him, without the possibility of rendering better service to the State.

Because the suspended debt secured by ample collateral security and cannot now be sold without a ruinous sacrifice; whereas by the exercise of a reasonable degree of patience every dollar of principal and interest will be received.

Because the fund commissioner now in New York has made an arrangement to receive fifty thousand dollars by the first of January next, and as he is better acquainted with the origin and situation of the debt than any new agent can be, he is better prepared to adjust it for the benefit of the State.

Because a large portion of the debt is a credit on the books of the Morris canal and banking company and not to be sold under the hammer of the auctioneer without a violation of commercial usage.

Because the collateral security cannot be resorted to, until the Bank has failed to comply with the condition under which it was given.

Because the State has the power and may create the means to pay the contractors promptly, in a manner acceptable to them, without recourse to this measure.

Because the contractors, who are a numerous clan of intelligent men whose wishes should not be disregarded on this occasion, have expressed their readiness and willingness over and over again to receive small notes to be used by the banks, or State treasury notes at par, in full satisfaction of their claims.

And lastly *Because* the measure itself is calculated to discredit the State in the estimation of money changers throughout the world:

W. B. Butler,

W. G. Atherton,

R. Burkshire,

J. Osborn,

Sylvanus Everts,

Jos. S. Jenckes,

G. W. Cutter,

E. W. McGaughey,

W. H. Bennett,

Lewis Burk.

Mr. Thompson presented the petition of Francis Sweet and others of Allen county, praying that an extension of credit may be given to persons who have borrowed money from the agent of the surplus revenue;

Which was referred to the committee on the judiciary.

Mr. Warriner presented the petition of James Walton and others, for the incorporation of a company to build a toll bridge across the Kankakee river, at the point known as Sherwood's ferry;

Which was referred to the committee on corporations.

Mr. Long presented the petition of Joel Wilcox and others, contractors on the White Water canal praying relief;
Which was read and laid upon the table.

Mr. Parker made the following report:

MR. SPEAKER—

The committee on the judiciary, according to order, have examined the 2d article of a treaty made and concluded, by and between the United States and the Pottawattamie tribe of Indiana on the 16th day of October 1826, and have directed me to report: That they are of the opinion said article is not binding on the United States as a contracting party, either express or implied, to aid in the completion of the Michigan road; and that they therefore deem further legislative action on that subject inexpedient.

Which was concurred in by the House.

Mr. Stewart offered for adoption the following resolution:

Resolved, That the public printer be instructed to print one thousand copies of the Journals of the present session; which

On motion,

Was laid upon the table.

On motion of Mr. Atherton,

Resolved, That the committee of ways and means be instructed to inquire into the expediency of so amending the law, relative to the sinking fund, that borrowers of that fund may be allowed to retain said fund three years longer, after the same becomes due, by said borrower paying the interest annually in advance; and to report by bill or otherwise.

Mr. Foster offered the following resolution:

Resolved, That the committee of ways and means inquire into the propriety of repealing so much of the revenue law, as makes it the duty of collectors, to call on persons charged with tax, and amend, by making it the duty of collectors to meet the persons charged with tax, in their townships, after notice given, and a given time at the county seat; also, to authorize the collecting of remaining delinquencies, with the same fees that other debts are, and reduce the collecting fee.

On the question, Shall said resolution be adopted? it was decided in the negative.

Mr. Osborn of Franklin offered for adoption the following resolution:

Resolved, That the judiciary committee be directed to inquire into the expediency of reporting a bill requiring the board doing county business in the several counties in this State to allow the justices of the peace a reasonable compensation for blank dockets purchased by them for their official use.

Mr. Cutter moved to amend the resolution, by adding the following:

"And constables pay for pocket books, stationery, &c. used by them, in the discharge of their official duties."

Mr. Cogswell moved that the bill and proposed amendment be laid upon the table;

Which motion was decided in the affirmative.

Mr. Robinson of Jefferson offered for adoption the following resolution:

Resolved, That the committee on ways and means be instructed to inquire into the expediency of creating the office of county auditor, to be elected by the qualified voters of each county, with the same or similar duties and powers that pertain to the office of county auditor in the State of Ohio; with leave to report by bill or otherwise.

Mr. Hull moved to strike out the resolution from the resolving clause and insert the following:

"That the judiciary committee be instructed to inquire into the expediency of providing for the office of auditor in the several counties in this State, and that the recorders of said counties act as such officer."

Mr. Cogswell moved to lay the resolution and proposed amendment upon the table;

Which motion was decided in the negative.

Mr. Foster moved to strike out of the proposed amendment the word "recorder," and insert "clerks;"

Which motion was decided in the negative.

Mr. Eccles proposed to amend the amendment as follows:

"That the board doing county business appoint a county attorney, to aid them in the discharge of their official duties, to be paid out of the county treasury, by order of the said board;"

Which amendment was not adopted.

The question recurring on the amendment offered by Mr. Hull.

And the ayes and noes being requested thereon, by Messrs. Judah and Jamison,

Those who voted in the affirmative were:

Messrs. Arnold, Atherton, Bowles, Buckles, Hull, Montgomery, Morgan and White—8.

Those who voted in the negative were:

Messrs. Albertson, Allison, Baker, Beckett, Bell, Bennett, Berkshire, Burk, Butler, Campbell, Carlton of F., Carleton of L., Clark, Coats, Cogswell, Conaway, Cox, Davis, Dunn, Eccles, Everts, Flint, Frisbie, Garrigus, Gardner, Haddon, Hamer, Hamblen, Herriman, Hunt of J., Hunt of R., Jackson, Jamison, Jenckes, Johnson, Jones, Judah, Lane, Lancaster, Long, McCormack, McGaughey, Miller, Milroy, Moore, Moore of V., Morrison, Nelson of B., Nelson of M., O'Neill, Osborn

of C., Osborn of F., Osborn of U., Parker, Perry, Porter, Rippey, Robinson of J., Robinson of Ripley, Robinson of Rush, Sands, Shields, Southard, Spann, Stewart, Wheeler, Wilson of M., Woodard, Wors-ter, Zenor and Mr. Speaker—71.

So said amendment was not adopted.

The resolution was then adopted, without amendment.

On motion of Mr. Jones,

Resolved, That the judiciary committee be instructed to inquire into the expediency of so changing the form of the oath administered to grand jurors, that there shall be no doubt of their duty to present to, and testify before a court as to such matters as may come to their knowledge while serving as grand jurors; and whether it would not be proper to release them from the obligation of secrecy after the prisoner shall have been taken into custody; with leave to report by bill or otherwise.

Mr. Thompson, offered the following resolution:

Resolved, That the principal engineer be requested to report to this House, what will be the probable loss sustained by contractors, on the several public works, in case they are compelled to abandon their contracts; also, the amount expended on the several public works that will be entirely lost to the state, without a further prosecution of the same.

Mr. Hull moved to amend said resolution, by adding the following; which was consented to, to wit:

“And what work, in his opinion, will suffer most by a delay in prosecution.”

On motion of Mr. Cutter,

Resolved, That the chief engineer be, and he is hereby instructed to report to this House as soon as practicable: 1st, How much money it would require to so far finish the Cross-Cut canal from Eel river dam to Terre Haute as to let the water through; and how much the revenue of the state would be increased by renting the water power along the line of said canal and at Terre Haute.

On motion of Mr. Morgan,

Resolved, That the State Board of Internal Improvement report to this House, what steps have been taken by them, or whether any, to carry into effect an act of last session, entitled “an act to provide for the survey of a road from Charlottesville in Hancock county, via Rushville, to the White Water canal.

Mr. Cutter made the following report:

MR. SPEAKER—

The select committee to whom was referred the joint resolution instructing our Senators and requesting our representatives to use their best exertions to procure the passage of an act repealing the duty on salt imported into the United States have had the same under consideration and have instructed me to report the same back to this House with the following amendment, to wit:

Strike the same out from the enacting clause, and insert the one herewith submitted.

The amendment was concurred in, and the joint resolution, No. 5, mentioned in the message, was ordered to a third reading on to-morrow.

Mr. Lane, from the committee on canals and internal improvements reported

No. 78, a joint resolution supplemental to a joint resolution, approved Dec. 21, 1739, entitled "a joint resolution in relation to contractors and others on public works;" which was read a first time; and

On motion of Mr. Lane,

The rule was dispensed with and the bill read a second time; when

Mr. Fitch moved to amend the joint resolution by adding to the end thereof the following:

"In consequence of the failure upon the state to pay them estimates, as heretofore;"

Which amendment was adopted.

The rules were further dispensed with and the joint resolution read a third time; when

Mr. Moore of O., moved to recommit the joint resolution to a select committee, with instructions to strike out the last *resolve*;

Which motion was decided in the negative.

The question recurring on the passage of the joint resolution, it was decided in the affirmative.

Ordered, That the clerk inform the Senate thereof.

Mr. Hull introduced

No. 79, a joint resolution relative to the deaf and dumb persons in this state;

Which was read the first time and passed to a second reading on to-morrow.

On motion,

The House adjourned until two o'clock. P. M.

Two o'clock P. M.

The House met pursuant to adjournment.

A message from the Senate by Mr. Test their Secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that the Senate has passed a joint resolution thereof, No. 26, entitled

"A joint resolution supplemental to a joint resolution for the relief of contractors on the public works, passed at the present session of the General Assembly,"

In which the concurrence of the House is respectfully requested.

The joint resolution mentioned in the message, was read a first time; when

Mr. Lane moved that the rule be dispensed with and the joint reso-

lution be read a second time now;

Which motion was decided in the affirmative; when

On motion of Mr. Fitch,

The joint resolution was laid upon the table.

Mr. Fitch introduced

No. 79, a bill to provide for the sale of Wabash and Erie canal lands and for other purposes;

Which was read a first time and passed to a second reading on to-morrow.

Mr. Shields introduced

No. 80, a bill regulating the jurisdiction of justices of the peace of Jackson county;

Which was read the first time and passed to a second reading on to-morrow:

Mr. Wheeler introduced

No. 81, a bill to repeal an act entitled "an act to vacate a part of the town of Milford in the county of Kosciusko.

Which was read the first time and passed to a second reading on to-morrow:

A message from the Senate by Mr. Test their Secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that the Senate has passed an engrossed bill thereof, No. 21, entitled "An act for the relief of A. W. Noe," in which the concurrence of the House is respectfully requested.

The bill mentioned in the message was read the first time; and

On motion of Mr. Albertson,

Committed to the committee on claims.

A message from the Senate, by Mr. Test their Secretary.

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that the Senate has passed the engrossed joint resolution of the House No. 78, entitled

"A Joint Resolution supplemental to a joint resolution approved, December 21, 1839 entitled a joint resolution in relation to contractors and others on the public works," without amendment.

The House now proceeded to the consideration of the orders of the day.

No. 61, a bill of the House, to revive and amend an act to locate a state road therein named, was read the second time; and

On motion,

Referred to the committee on roads.

No. 62, a bill to amend an act entitled "an act providing for a more uniform mode of doing township business in the several counties therein named," approved February 17th, 1838,

Was read a second time; when

Hunt of R., moved to amend, by adding thereto the following:

"And all other counties to which the benefits of said act has, or may be extended;"

Which amendment was adopted.

The bill was then ordered to be engrossed for a third reading on to-morrow.

No. 63, a bill for the election of prosecuting attorneys for each county, by the qualified voters thereof, was read the second time; when

Mr. Cogswell moved that the bill be laid upon the table;

Which motion was decided in the negative.

Mr. Long moved to commit the bill to a committee of the whole House for the present time;

Which motion was decided in the affirmative.

The House, according to order, resolved itself into a committee of the whole, on said bill;

Mr. Bennett in the chair, and after some time spent therein the committee rose, and the chairman reported the bill to the House, and asked leave to sit again.

On the question, shall said leave be granted, it was decided in the negative,

On motion of Mr. Hunt of R.,

The bill was referred to the committee on the judiciary.

Mr. Morrison made the following report,

MR. SPEAKER—

The joint committee on enrolled bills have this day compared the following engrossed joint resolution of the House with the enrolled thereof

No. 78, a joint resolution supplemental to a joint resolution approved December 21st, 1839, entitled "a joint resolution in relation to contractors and others on the public works," and find the same correctly enrolled,

Whereupon,

The Speaker signed the same.

Ordered, That the clerk carry it to the Senate for the signature of their President.

On motion,

The House adjourned until to-morrow morning at nine o'clock.

TUESDAY MORNING, DECEMBER 24, 1839.

The House met pursuant to adjournment,

Mr. Sweetser on leave granted, offered for adoption the following resolution, to wit:

Resolved, That the Chief Engineer be requested to arrange in tabular form, and report to this House, a full statement, showing the amount of the original estimate of each work authorized by the internal improvement act of 1836; the appropriation made on each work by said act; the present total estimated cost of each work, based upon the contract prices; the estimated amount of work done, and the amount yet to be done, to complete each work; stating the prominent causes, if known to him, which have swelled the actual cost beyond the original estimate.

Mr. Robinson of J. moved to amend, by adding the following:

"And the length of each work, according to the last and most approved survey, from the point of its commencement to its termination."

Which amendment was adopted,

The resolution, as amended, was then adopted.

Mr. Robinson of J. made the following report:

MR. SPEAKER—

The judiciary committee to whom was referred so much of the Governor's message as says: "I submit to you the resolutions of the Legislature of Kentucky, responsive to those passed by the Legislature of Indiana, at the last session, on the subject of slavery," have directed me to report, that they have had the same under consideration, and finding any legislation thereon unnecessary, asked leave to be discharged from the further consideration of the same.

On motion,

The committee was discharged accordingly.

On motion of Mr. Lane,

One hundred copies of the memorandum of an agreement entered into between the fund commissioners and certain gentlemen of Madison for a sale of State bonds and accompanying letter, were ordered to be printed for the use of the House.

A message from the Senate by Mr. Test their secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed bills of the House entitled: No. 13, an act to change the name of Levina Fallis.

No. 3, an act to change the name of Harvey Slocum of Jefferson county, and

No. 35, an act for the benefit of persons who are likely to suffer by the destruction of the records of Dubois county.

The first without amendment, and the two last with amendments, in which the concurrence of the House is respectfully requested.

The amendment of the Senate to bill of the House, No. 3, mentioned in the message, was concurred in by the House; also,

The amendment of the Senate to bill of the House, No. 35, mentioned in the message.

Mr. Sands on leave, offered the following resolution; which was adopted, to wit:

Resolved, That the secretary of State be directed to lay before this House, the annual report of the superintendent of the State prison.

Mr. Osborn of F. made the following report:

MR. SPEAKER—

The joint committee on enrolled bills report, that they did, this day, present to his excellency the Governor for his approval and signature, the following joint resolutions, to wit:

A joint resolution supplemental to a joint resolution approved Dec. 21, 1839, entitled a joint resolution in relation to contractors and others on the public works; also,

A joint resolution in relation to the claim of this State for lands to complete Wabash and Erie canal.

Mr. Bell moved to suspend the previous orders of the day, to take up bill of the House, No. 31, to provide for the election of a justice of the peace in the town of New London in Dubois county;

Which motion was decided in the affirmative.

The bill was read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Edmonson moved to suspend the previous orders of the day to take up bill of the House, No. 36, to legalize certain acts of the board doing county business in the county of;

Which motion was decided in the affirmative.

The bill was then read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

A message from the Governor by Mr. Moore his private secretary:

MR. SPEAKER—

I am directed by the Governor to inform the House of Representatives that he has this day approved and signed joint resolutions which originated in the House of Representatives, entitled

“A joint resolution in relation to the claim of this State for lands to complete the Wabash and Erie canal.”

"A joint resolution supplemental to a joint resolution, approved Dec. 21, 1839, entitle a joint resolution in relation to contractors and others on the public works."

Mr. Flint moved that the House adjourn until the second day of Jan., 1840, at nine o'clock, A. M.

And the ayes and noes being requested thereon, by Messrs. Conaway and Sweetser,

Those who voted in the affirmative were:

Messrs. Allison, Atherton, Bell, Butler, Flint and Judah—6.

Those who voted in the negative were:

Messrs Albertson, Bennett, Bowles, Campbell, Conaway, Edmonson, Fitch Frisbie Gardner, Herriman, Hunt of J., Johnson, Lane, Monroe, McCoy, Montgomery, Moore of V., Morrison, Osborn of F., Osborn of U., Perry, Robinson of J., Sands, Shields, Southard, Spann, Stewart, Sweetser, Thompson, Warriner, Wheeler, White, Wilson, of M., Wilson of W., Zenor, and Mr. Speaker—35.

So said motion was decided in the negative.

On motion of Mr. Sweetser,

The House adjourned for the want of a quorum, until Thursday the 2nd day of January next, at nine o'clock, A. M.

THURSDAY MORNING, JANUARY 2, 1840.

The House met pursuant to adjournment.

Mr. Fisher presented the petition of Joseph Eggleston and others, in relation to a bridge over Indian creek in Switzerland county;

Which was referred to the committee on roads.

Mr. Jones presented the petition of J. B. Beeler and others, praying an act of incorporation for building a bridge over Anderson's river, near Aquilla Huff's, and for the relocation of a part of the state road from Troy to Jasper;

Which was referred to the committee on corporations. 1

Mr. Baker presented two several petitions from sundry citizens of Wayne and Randolph counties, praying for the location of a sate road from Hagarstown in Wayne county, to Camden in Jay county; ;

Which was referred to the committee on roads.

Mr. Jones presented the petition of J. C. Richardson and others, of Spencer county, praying for an additional term of the Spencer Circuit court;

Which was referred to the committee on the Judiciary.

Mr. Cooper presented the petition of Moses H. Gregg and others, praying that the newly laid off lots, or addition to Knightstown, be,

known by the name of Raysville or as an addition to the town of Raysville;

Which was referred to a select committee of Messrs. Cooper, Berkshire and Buckles.

Mr. Nelson of M., presented the petition of A. Hathaway and others, on the subject of re-organizing the militia system of the state;

Which was referred to the committee on military affairs.

Mr. Spann presented the petition of Andrew Wilson and others praying that William Sage be divorced from his wife Sarah;

Which was referred to the committee on the judiciary.

Mr. Milroy presented two several petitions from George Markle and others, of Carroll county, praying for the passage of a law making it compulsory on the acting commissioner on the Wabash and Erie canal, to lease the water power at the great Wabash dam No. 4, on both sides of the river;

Which was referred to the select committee heretofore appointed on that subject.

Mr. Nelson of B., presented the petition of Thomas Williams and others, praying a change in a part of a state road in Boone county; also, a remonstrance on the same subject;

Which were severally referred to the committee on roads.

Mr. Robinson of Rush presented the petition of Alexander Scott and others, praying an act changing the name of Wilmington, in Walker township to that of Manilla,

Which was referred to a select committee of Messrs. Robinson of Rush, Worster and Morgan.

Mr. Cogswell presented the petition of Jacob Robins and others, praying that the town of Noblesville, in Hamilton county, may be incorporated;

Which was referred to a select committee of Messrs. Cogswell, Johnson and Atherton.

Mr. Parker presented the petition of A. Eichelberger and five others, contractors on the White water canal, praying that payment may be made to them, on the part of the State, in scrip or otherwise;

Which was referred to the committee on canals and internal improvements.

Mr. Shiveley presented the petition of J. R. Cox and others, relative to an equality in taxing canal lands and lands generally, &c.;

Which was referred to the committee of ways and means.

Mr. Lancaster presented the petition of John D. Morrison, late collector of Wayne county, relative to the revenue of said county;

Which was referred to the same select committee heretofore appointed on that subject.

On motion of Mr. Burk, the Speaker appointed Messrs. Cooper and Baker additional members of said committee.

Mr. Wilson of W. presented the petition of Joshua Lindsey and others, to vacate the town of Voltonville;

Which was referred to a select committee of Messrs. Wilson of W., Milroy and Fitch.

Mr. Milroy presented the petition of Thomas Menaugh and others, praying that a law may be proposed abolishing imprisonment for debt.

Mr. Cutter moved to refer the petition to a select committee.

Mr. Sweetser moved that it be referred to the committee of the whole to which the bill on the same subject had been previously referred.

Which motion was decided in the affirmative.

Mr. Herriman presented eight several petitions, on the subject of a relocation of the county of Lagrange;

Which were referred to a select committee of Messrs. Herriman, Rippey and Thompson.

Mr. Cutter offered the following resolution; which was not adopted, to wit:

Resolved, That the judiciary committee be instructed to inquire into the expediency of so amending the law, in regard to constables and sheriffs, that, in all criminal cases, which do not result in conviction, in which they have performed services, they shall be allowed the same fees as are now allowed by law, in cases of conviction, to be allowed by the board doing county business, and paid out of the treasury of the proper county; and that they report by bill or otherwise.

Mr. Lane, on leave granted, presented the following bill, viz:

No. 82, a bill to amend an act entitled "an act to incorporate the Lawrenceburgh Bridge company; approved January 24, 1831; which was read a first time; when

Mr. Lane moved that the rule be dispensed with, and the bill be read a second time, now;

Which motion was decided in the negative.

The bill was ordered to a second reading on to-morrow.

Mr. Bowles moved to take from the table a resolution on the subject of free banking;

Which motion was decided in the affirmative.

The resolution was then adopted.

Mr. Thompson offered for adoption the following preamble and resolution:

Whereas, the conduct of the president, directors and stockholders of the Lawrenceburgh branch of the State Bank of Indiana has been represented to be such as to excite strong prejudice in the minds of the people; and whereas it is believed, that the officers of said branch have adopted a system of favoritism, which is at war with the best interest of the public, and corruptly refused to redeem their notes with specie when demanded at their counter; therefore,

Resolved, That the subject be referred to a select committee, composed of Messrs. Lane, Henly and Fisher, with instructions to inquire into the truth of said allegations, and, if found correct, said committee are hereby instructed to report a joint resolution, requesting the State board of directors to wind up said branch, and recommend that the capital belonging to the State be employed at Rushville, in place of the capital to be borrowed and used there for a new branch.

Mr. Stewart moved to strike out so much of the resolution as relates to the appointment of a select committee, and insert in lieu thereof the "committee on the State bank."

Mr. Sweetser called for a division of the question, and the question being put on the striking out,

And the ayes and noes being requested thereon, by Messrs. Judah and Sweetser,

Those who voted in the affirmative were:

Messrs. Albertson, Arnold, Baker, Berkshire, Bowles, Carleton of F., Clark, Cogswell, Conaway, Eccles, Edmonson, Farley, Fisher, Foster, Frisbie, Garrigus, Gardner, Hamblen, Herriman, Hull, Hunt of J., Johnson, Lane, Lanius, Lee, Long, McCormack, McCoy, McGaughey, Milroy, Monroe, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of F., Osborn of U., Perry, Perviance, Porter, Rippey, Robinson of Rush, Sands, Shields, Shivley, Southard, Spann, Stewart, Sweetser, Warriner, Wheeler, White, Wilson of W., Woodard, Worster, and Mr. Speaker—56.

Those who voted in the negative were:

Messrs. Allison, Atherton, Beckett, Bell, Bennett, Buckles, Burk, Butler, Campbell, Coats, Cooper, Cox, Everts, Finch, Flint, Hunt of R., Jackson, Jamison, Jenckes, Jones, Judah, Lancaster, Montgomery, Morgan, O'Neill, Parker, Robinson of J., Robinson of Ripley, Thompson, Wilson of M., and Zenor—30.

So the motion to strike out prevailed.

The question now recurred on inserting "committee on the State Bank."

Which was decided in the affirmative.

Mr. Long moved to strike out all that part of the resolution which relates to winding up the affairs of the Branch and its removal to Rushville;

Which motion was decided in the affirmative.

The resolution, as amended, was then adopted.

Mr. Judah offered for adoption the following resolution:

Resolved, That the judiciary committee be instructed to inquire into the legality and expediency of setting apart by law, the capital of the State in the State bank of Indiana, with so much also of the sinking fund, as the commissioners of that fund shall deem to be sufficient entirely to secure the payment of the loan of \$1,390,000 borrowed by the State for banking purposes under the charter of the bank when the same shall become due; and of pledging such capital and sinking fund, so set apart, to the primary purpose, irrevocably, of liquidating the said debt at maturity, and guaranteeing the sufficiency thereof by the State; and of thereupon providing, that the remainder of the sinking fund, whether arising from loans paid in, or from the excess of dividends on the said bank capital of the State, over and above paying the interest semi-annually on the said State debt for banking purposes, or otherwise, shall be appropriated and hereafter used from time to time, towards the payment of the interest on the debt of the State to the branches of the State bank, and to all others on internal improvement account; to report by bill or otherwise.

On the question, Shall said resolution be adopted?

The ayes and noes being requested thereon by Messrs. Judah and Sweetser,

Those who voted in the affirmative were:

Messrs. Allison, Arnold, Atherton, Baker, Beckett, Bell, Bennett, Berkshire, Buckles, Burk, Butler, Campbell, Carleton of F., Coats, Cogswell, Cooper, Cox, Eccles, Edmonson, Everts, Farley, Finch, Flint, Foster, Gardner, Hull, Hunt of J., Hunt of R., Jackson, Jamison, Jenckes, Johnson, Judah, Lane, Lancaster, Lee, Long, McCoy, McGaughey, Milroy, Moore of O., Morgan, Nelson of M., O'Neill, Osborn of F., Parker, Perviance, Porter, Rippey, Robinson of J., Robinson of Ripley, Spann, Sweetser, Thompson, Warriner, Wilson of M., Woodard and Worster—58.

Those who voted in the negative were:

Messrs. Albertson, Bowles, Clark, Conaway, Cutter, Fisher, Frisbie, Garrigus, Hamblen, Herriman, Jones, Lanius, McCormack, Monroe, Moore of V., Morrison, Nelson of B., Osborn of U., Perry, Robinson of Rush, Sands, Shields, Shiveley, Southard, Stewart, Wheeler, White, Wilson of W., Zenor, and Mr. Speaker—29.

So said resolution was adopted.

On motion of Mr. Cutter,

Resolved, That the committee on agriculture be instructed to inquire what amount or proportion of the revenue or other resources of the State, are appropriated to the encouragement of any or all of the various branches of agriculture, and if the money so appropriated is applied in the best possible manner to affect the objects for which their expenditure were intended; and if there be any other funds under the control of the legislature which could at this time be appropriated, to this of all others the most important object; with leave to report by bill or otherwise.

Mr. Hull offered for adoption the following resolution:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of so amending the present law, as to more effectually prevent horse racing on the public highways in this State; and to report by bill or otherwise.

Mr. Milroy moved to amend by adding the following:

Shooting along and across highways."

Mr. Burk moved to add the following amendment:

"Also, foot racing along highways."

Mr. Butler moved to lay the resolution and proposed amendments upon the table;

Which motion was decided in the negative.

The amendment to the amendment was adopted.

The amendment, as amended, was also concurred in.

Mr. Hunt of J. moved further to amend the resolution, by inserting the following:

"Also, to prevent boys from shooting marbles and playing *shinney*, in public places."

Mr. Monroe moved to lay the resolution and proposed amendment upon the table;

Which motion was decided in the affirmative.

On motion of Mr. Edmonson,

Resolved, That the judiciary committee be instructed to inquire into the propriety of amending the first section of the law regulating enclosures and trespassing animals, so as to leave the sufficiency of every enclosure to the sound discretion of the fence viewers of the proper townships; with leave to report by bill or otherwise.

On motion of Mr. McCoy,

Resolved, That so much of the 11th section of the act regulating fees and salaries, approved February 7th, 1831, as relates to witnesses claiming their fees in open court, be referred to the judiciary committee, with instructions to inquire what amendment, if any, should be made thereto.

Mr. Osborn of F. introduced

No. 83, a bill to legalize the incorporation of the town of Brookville and for other purposes;

Which was read a first time and passed to a second reading.

Mr. Lancaster introduced

No. 84, a bill to incorporate the city of Richmond in Wayne county, Indiana;

Which was read a first time and passed to a second reading.

Mr. Wilson of W. introduced

No. 85, a bill providing for the location of a State road in White and Carroll counties;

Which was read a first time and passed to a second reading.

The House now proceeded to the consideration of the orders of the day.

No. 64, a bill to amend an act entitled "an act for the protection of the Madison and Indianapolis rail road, &c., approved 14th February 1839, was read a second time and ordered to be engrossed for a third reading.

Mr. Long moved to dispense with the previous orders of the day and take up No. 75, a bill for the immediate relief of contractors and others engaged on the public works;

Which motion was decided in the affirmative.

The bill was then read a second time, and

On motion of Mr. Long,

Referred to a committee of seven members.

No. 65, a bill for the relief of Nicholas G. Cromwell and others;

No. 67, a joint resolution in relation to Edward M. Beckwith;

Were severally read a second time and ordered to be engrossed for a third reading.

No. 68, a joint resolution in relation to State bonds, was read a second time; when

Mr. McCoy, moved to postpone said joint resolution until this day three weeks.

Mr. Cutter moved for an indefinite postponement.

Mr. Foster moved to lay said joint resolution upon the table;

Which motion was decided in the affirmative.

No. 69, a bill for the relief of contractors and for a judicious continuation of the public works, without any increase of taxation, was read a second time; when

Mr. Hull moved that said bill be indefinitely postponed.

Before any question was taken thereon,

On motion,

The House adjourned until two o'clock P. M.

Two o'clock, P. M.

The House met pursuant to adjournment; and

The Speaker laid before the House a communication from the Treasurer of State on the subject of the Lawrenceburgh and Indianapolis rail road; which,

On motion of Mr. Morgan,

Was referred to the committee of ways and means.

The Speaker laid before the House several documents in relation to a demand made by the Governor of the State of Tennessee on the Governor of the State of Indiana, for the arrest of David Milburn, jr., charged with the crime of larceny;

Which was referred to the committee on the judiciary.

The Speaker announced to the House the appointment of the following select committees, to wit:

On the resolution relative to free banking, Messrs. Bowles, Hunt of J., Fisher, Jamison, Milroy, Robinson of Ripley, Gardner, Carlton of L., Edmonson, Herriman and Conaway.

On bill, No. 75, Messrs. Long, McCormack, Hull, Foster, Cogswell, Butler and Judah.

The House now resumed the consideration of bill of the House, No. 69, for the relief of contractors and for a judicious continuation of the public works, without any increase of taxation.

Mr. Hull withdrew his motion to indefinitely postpone said bill; when,

On motion of Mr. Lane;

The bill was committed to a committee of the whole House, and made the special order of the day for Monday next.

No. 70, a bill to incorporate the Orange county female seminary,

was read a second time, and referred to the committee on corporations.

No. 71, a bill to amend an act entitled "an act to incorporate the New Harmony working men's institute for mutual instruction;

Which was read the second and third times and passed, the rule being suspended.

No. 72, a bill to provide for the election of a justice of the peace in the town of Alexandria in [Madison county;

Which was read a second time and ordered to be engrossed for a third reading.

No. 73, a bill for the relief of contractors on the Wabash and Erie canal and for other purposes, was read the second time; and

On motion of Mr. Wilson of M.,

Referred to the committee on canals and internal improvements.

No. 74, a bill to legalize the time of holding the sessions of the board of commissioners of the county of Marion, was read a second time and ordered to be engrossed for a third reading.

No. 76, a bill to provide for the formation of the county of and for other purposes, was read a second time.

Mr. Wheeler moved to strike out the first section and insert a substitute;

Which motion was decided in the affirmative.

Mr. Wilson of M. moved further to amend the bill by inserting the following:

"From the second station, in the boundary of said county, to-wit: N. W. corner of Sec. 10, town. 31, N. range 4 E., thence south to the N. W. corner of sec. 3, town. 30, N. range 4 E.; thence E. to the N. E. corner of town. 30, N. R. 4 E.; thence south to the N. W. corner of section six (6) town thirty north range five (5) east."

On motion of Mr. Wilson of M.,

Said bill was committed to the committee on the judiciary.

No. 77, a bill to dissolve the bonds of matrimony between Charles Fullerton and Eleanor Fullerton was read a second time; when

Mr. Cooper moved that said bill be indefinitely postponed.

Mr. Bowles moved that the said bill be laid upon the table;

Which motion was decided in the affirmative.

No. 15, a bill of the Senate, to change the name of Germantown in Floyd county to that of Galena was read a second time and passed to a third reading.

No. 79, a bill to provide for the sale of Wabash and Erie canal lands and for other purposes, was read a second time; when,

On motion of Mr. Wilson of M.,

Said bill was referred to the committee on canals and internal improvements.

No. 79, a joint resolution relative to the deaf and dumb persons in the State was read a second time; and on the question, Shall the joint resolution be engrossed for a third reading? it was decided in the negative.

No. 80, a bill regulating the jurisdiction of justices of the peace of Jackson county;

No. 81, a bill to repeal an act entitled "an act to vacate a part of the town of Milford in the county of Kosciusko;

Were severally read a second time and ordered to be engrossed for a third reading.

The following bills and joint resolutions were severally read a third time and passed, to-wit:

No. 5, a joint resolution instructing our Senators and requesting our Representatives in Congress to procure the repeal of the duty on salt;

No. 9, a bill to charter the Evansville Rifle Rangers;

No. 18, a bill to regulate the jurisdiction of justices of the peace in Green county;

No. 33, a bill legalizing the acts and proceedings of the trustees of school district township No. 6, north of range No. 9 west, in Sullivan county, in relation to the town of Edwardsport;

No. 34, a bill to vacate the town of Bath;

No. 38, a bill to authorize the election of a justice of the peace and constable in the town of Fredericksburgh, in the county of Washington.

No. 39, a bill to amend an act entitled "an act providing for a more uniform mode of doing township business in the several counties therein named," approved February 17, 1838;

No. 41, a bill to amend an act entitled "an act to attach one fourth of township No. 30, north of range four east to the county of Fulton;

No. 42, a bill to amend an act entitled "an act fixing the times of holding courts in the fourth judicial circuit;

No. 46, a bill to regulate the jurisdiction of justices of the peace in Grant county;

No. 47, a bill to vacate the town of Economy in Gibson county;

No. 53, a bill for the relief of Julia Sims;

No. 54, a bill to repeal a part of an act entitled "an act concerning Knox county;"

No. 57, a bill supplemental to an act entitled "an act for the appointment of trustees to receive deeds for lots or lands given or purchased for the use of schools, meeting houses or masonic lodges, approved February 10, 1831;

No. 59, a bill for the relief of the collector of St. Joseph county; and

No. 62, a bill to amend an act entitled "an act providing for a more uniform mode of doing township business in the several counties therein named, approved February 17, 1838.

No. 43, a bill to amend an act entitled "an act organizing the Supreme court and defining its powers and duties, approved February 17, 1838, was read a third time; when

Mr. Judah moved to refer said bill to the committee on the judiciary;

Which motion was decided in the negative.

The bill was then passed.

No. 60, a bill to amend an act entitled "an act regulating grist mills and millers, approved February 10th, 1831, was read a third time; when

Mr. Monroe moved that said bill be indefinitely postponed.

Mr. Gardner moved to lay the bill on the table;

Which motion was decided in the affirmative.

Mr. Long moved that the committee of the whole be discharged from the further consideration of bill No. 7, providing for a uniform mode of ascertaining the weight of certain quantities of grain, &c.;

Which motion was decided in the affirmative.

Mr. Sweetser then moved to insert the word "merchantable," before the words "wheat," "rye," &c. in said bill;

Which amendment was adopted.

Mr. Fisher moved to add to the bill the following proviso, to-wit:

"*Provided*, That wheat, falling short 60 lbs. to the measured bushel, shall be made merchantable, by adding two lbs. for every one it may fall short; and provided that no wheat shall be considered merchantable, when the measured bushel will not weigh fifty-six pounds."

On the question, Shall said amendment be adopted? it was decided in the negative.

Mr. Shields moved to strike out "fifty-six" and insert "fifty-two," in relation to the weight of corn;

Which motion did not prevail.

On the question, Shall said bill pass? it was decided in the affirmative.

Ordered, That the clerk inform the Senate thereof.

On motion,

The House adjourned until to-morrow morning at nine o'clock.

FRIDAY MORNING, JANUARY 3, 1840.

The House met pursuant to adjournment;

The speaker laid before the House a communication from the Secretary of State transmitting the annual report of the superintendents of the State prison, containing a descriptive list of convicts.

On motion,

Two hundred copies of said report were ordered to be printed.

Mr. Rush presented the petition of William Millikan and others of Laporte county, praying that articles of impeachment may be preferred against James Hutchens, a justice of the peace of said county, for mal-conduct in office;

Which was referred to the committee on the judiciary.

Mr. Lanius presented the petition of Joshua Haines and others, relative to the extension of a certain street in the town of Rising Sun;

Which was referred to a select committee of Messrs. Lanius, Conaway and Perry.

Mr. Wilson of W. presented the petition of John Catterton and others, relative to a State road from Beaver Lake to Lafayette;

Which was referred to a select committee of Messrs. Wilson of W., White and Milroy.

Mr. Sweetser presented the petition of the common council of the town of Indianapolis, asking certain amendments to the charter of said town;

Which was referred to a select committee of Messrs. Sweetser, Johnson and Hamer.

Mr. Shively presented two remonstrances of sundry citizens of Kosciusko county, relative to the boundary of said county;

Which were referred to the committee on the judiciary.

Mr. Herriman made the following report:

MR. SPEAKER—

The select committee to whom was referred sundry petitions, on the subject of a review of the county seat of Lagrange county, have had the same under consideration and directed me to report the following bill, to wit:

No. 86, a bill to relocate the seat of justice of Lagrange county;

Which was read a first time and passed to a second reading.

Mr. Robinson of Ripley made the following report:

MR. SPEAKER—

The select committee to whom was referred a resolution of this House instructing them to examine and report to this House, what measure, if any, could be adopted, for the purpose of rebuilding the bridge across Laughery creek, in Ripley county, where the State road leading from Lawrenceburgh, in Dearborn county to Indianapolis in Marion county crosses said creek, have, according to order, had the same under consideration, and have directed me to report the following bill, to wit:

No. 87, a bill to rebuild the bridge across Laughery creek in Ripley county;

Which was read a first time and passed to a second reading.

Mr. Sweetser made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of Janet M'Onat, have had the same under consideration and directed me to report the following bill,

No. 88, a bill to enlarge the powers of the Probate court of Marion county, in a certain case therein named;

Which was read the first time and passed to a second reading.

Mr. Wilson of W. made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of Joshua Lindsey and others, upon the subject of the vacation of the town of Voltonville, in White county, have, according to order, had that subject under consideration, and have directed me to report the accompanying bill, in accordance with the prayer of the said petitioners, and to recommend its passage, to wit:

No. 89, a bill to vacate the town of Voltonville;

Which was read a first time and passed to a second reading.

Mr. Robinson of Rush, from a select committee reported the following bill, to wit:

No. 90, a bill to change the name of the town of Wilmington in Rush county.

Which was read a first time and passed to a second reading.

The speaker laid before the House the report of the chief engineer, in tabular form, in answer to a resolution of the 24th ultimo, on the subject of the cost of the public works, &c.

On motion,

One thousand copies were ordered to be printed for the use of the members of the House.

Mr. Cutter offered for adoption the following resolution:

Resolved, That the judiciary committee be instructed to inquire into the expediency of reporting a bill to this House as soon as practicable, providing that hereafter, if any Circuit Judge, justice of the peace, Probate Judge, or any other officer of this State authorized by law to solemnize marriages, shall solmnize or aid or abet in the solmnization of any marriage, where one of the persons shall be a negro or molatto or negress or molatto wench, and the other party shall be a white person, whether male or female, they shall thereby forfeit their office and vacate the same, and the proper authority shall order an election to fill their places in the same manner as if they were dead or resigned; and the conditions of the said act shall extend to any clerk who shall issue any license to marry to any person of color; and further providing, that if any minister of the gospel shall be guilty, said offence of solmnizing marriage between any person of color and any white person, they shall be subject to presentment or indictment, and upon con-

viction thereof, before the proper tribunal, they shall be disfranchised for life, and rendered incapable of holding any office of trust or profit.

Mr. Cooper moved to amend said resolution by adding the following:

"That the committee on the judiciary be further instructed to inquire into the expediency of passing a law, so as to make it a penal offence for any white person to intermarry with any person of color; with leave to report by bill or otherwise."

Mr. Osborn of U. moved to amend the amendment as follows:

"That the judiciary committee be further instructed to inquire into the expediency of so amending an act regulating marriages, approved February 17, 1838, as to make it a penal offence for any clerk of the circuit court, in any county in this State, to grant marriage license to any negro to enter the marriage state, with a white woman, or to inquire whether it would be more expedient to impose a heavy fine on any person authorized to solemnize matrimony in this State, who may join in marriage a negro man with a white woman, or a negro woman with a white man; with leave to report by bill or otherwise;"

Which amendment, to the amendment was adopted.

The amendment, as amended, was then adopted.

Mr. Cutter moved to prefix the following preamble to the resolution, to wit:

"Whereas it is represented from report, that an intermarriage of a colored man, with a white woman, in the town of Indianapolis has recently taken place; therefore;"

Which amendment was adopted.

Mr. Hull moved further to amend the resolution by adding the following:

"That the said committee be further instructed to inquire into the expediency of so amending the law, as to more effectually suppress mobs, or the unlawful assemblage of the citizens of this State, for the accomplishment of any purpose, or on any account whatever; with leave to report by bill or otherwise."

On the question, shall said amendment be adopted? it was decided in the negative.

Mr. Thompson proposed the following amendment; which was not adopted, to wit:

"That said committee also inquire into the expediency of disfranchising all persons who shall sanction or countenance amalgamation."

Mr. Sweetser moved to strike out the resolution, as amended, from the enacting clause, and insert the following:

"That the judiciary committee report a bill, to make it a criminal act for any person to knowingly, join in marriage a negro or mulatto male or female to a white person, or the granting license for such purpose;"

And the ayes and noes being requested on said amendment, by Messrs. McCoy, and Cutter,

Those who voted in the affirmative were:

Messrs. Albertson, Allison, Arnold, Atherton, Baker, Beckett, Bell, Bennett, Berkshire, Bowles, Buckles, Burk, Campbell, Carleton of F., Carlton of L., Clark, Cogswell, Conaway, Cooper, Cox, Eccles, Edmonson, English, Everts, Farley, Finch, Frisbie, Garrigus, Gardner, Hamer, Hamblen, Henly, Herriman, Hull, Hunt of J., Hunt of R., Jackson, Jamison, Jenckes, Johnson, Jones, Judah, Lane, Lancaster, Lanius, Lee, Long, McCoy, McGaughey, Milroy, Monroe, Montgomery, Moore of O., Moore of V., Morgan, Morrison, Nelson of M., O'Neill, Osborn of F., Parker, Perry, Purviance, Porter, Rippey, Robinson of J., Robinson of Ripley, Rush, Sands, Shields, Shiveley, Southard, Spann, Stewart, Sweetser, Thompson, Warriner, Wheeler, White, Wilson of W., Woodard, Worster, Zenor and Mr. Speaker—82.

Those who voted in the negative were:

Messrs. Butler, Cutter, Fisher, Flint, Osborn of U., and Wilson of M.,—7.

So said amendment was adopted.

On the question, shall said resolution, as amended, be adopted?

And the ayes and noes being requested thereon, by Messrs. Cutter and Allison,

Those who voted in the affirmative were:

Messrs. Albertson, Allison, Arnold, Atherton, Baker, Beckett, Bell, Bennett, Berkshire, Bowles, Buckles, Burk, Campbell, Carleton of F., Carlton of L., Clark, Coats, Cogswell, Conaway, Cooper, Cox, Cutter, Eccles, Edmonson, English, Everts, Farley, Flint, Frisbie, Garrigus, Gardner, Hamer, Hamblen, Henly, Herriman, Hull, Hunt of J., Hunt of R., Jackson, Jamison, Jenckes, Johnson, Jones, Judah, Lane, Lancaster, Lanius, Long, Lee, McCoy, McGaughey, Milroy, Monroe, Moore of O., Moore of V., Morgan, Morrison, Nelson of M., O'Neill, Osborn of F., Osborn of U., Parker, Perry, Purviance, Porter, Rippey, Robinson of J., Robinson of Ripley, Robinson of Rush, Rush, Sands, Shields, Southard, Spann, Stewart, Sweetser, Thompson, Warriner, Wheeler, White, Wilson of M., Wilson of W., Woodard, Worster, Zenor and Mr. Speaker—83.

Those who voted in the negative were:

Messrs. Finch, Fisher and Shiveley—3.

So said resolution was adopted.

On motion of Mr. Zenor,

Resolved, That the Hall of the House of Representatives be tendered to the State Democratic Convention, to be held at Indianapolis, on the 8th of January, 1840, inst.

On motion of Mr. Moore of O.,

Resolved, That the select committee of five, to whom was referred; a resolution in relation to the public printer to the House at their ses-

sion of 1837 and 38, be authorized to send for persons and papers, so that said committee may be able to get at all the facts in relation to the case.

On motion of Mr. McGaughey,

Resolved, That the judiciary committee be instructed to inquire into the expediency of so amending the present law, regulating the licensing of attorneys at law, that hereafter one president judge of a judicial circuit may grant such license, and that the same when so granted by one judge shall have the same effect, and confer the same privileges now conferred by like license granted by two president judges; with leave to report by bill or otherwise.

On motion of Mr. Morgan,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of so amending the act to regulate marriages as to allow male persons of the age of sixteen years, and females persons of the age of thirteen years, to be joined in marriage, and if they deem such change inexpedient, that they be instructed to inquire into the expediency of so amending said act, as to impose a penalty on clerks for issuing license to persons under the ages prescribed in said act.

On motion of Mr. Bell,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of so amending the law, defining the duties of the several boards doing county business in this state in relation to the selection of grand and petit jurors, as to make the manner of selecting the same more definite and specific; and should they find any amendment necessary, that they report a bill to this house providing for the remedy of any defect that may exist in the present law on that subject.

On motion of Mr. McCoy,

Resolved, That the judiciary committee inquire into the expediency of amending the practice act, so as to authorize, under proper limitations and provisos, the entry of judgment *by confession*, in the office of the clerks of the circuit courts, in vacation.

On motion of Mr. Moore of O.,

Resolved, That the board of public works be instructed to report to this House, as soon as practicable, the amount of money set apart for contingences on the different works, since December 1838, and how that money has been paid out, and to whom, and for what purposes.

Mr. Cutter offered the following resolution; which was not adopted, to-wit:

Resolved, That the judiciary committee be instructed to inquire into the expediency of amending the law prescribing the duties of circuit judges, so that hereafter their charges to the grand jury shall be delivered to them in writing.

Mr. Thompson offered for adoption the following resolution, viz:

Resolved, That the judiciary committee, who are by a resolution of this House, instructed to report a bill, to make it a criminal act for

any person knowingly to join in marriage a negro, male or female with a white person;’ be further instructed to avoid any rebuke or slur on the doings at the Great Crossings in Kentucky.¹

Mr. Albertson moved to lay said resolution upon the table.

And the ayes and noes being requested thereon by Messrs. Robinson of Ripley and Perry.

Those who voted in the affirmative were:

Messrs. Albertson, Arnold, Atherton, Baker, Beckett, Bell, Bennett, Bowles, Buckles, Burk, Campbell, Carleton of F., Carlton of L., Clark, Coats, Cogswell, Conaway, Cooper, Cox, Cutter, Eccles, Everts, Farley, Finch, Fisher, Flint, Foster, Frisbie, Garrigus, Gardner, Hamer, Hamblen, Herriman, Hull, Hunt of J., Hunt of R., Jenckes, Johnson, Lane, Lancaster, Lanius, Lee, Long, McCoy, Monroe, Moore of O., Moore of V., Morrison, Nelson of M., O’Neill, Osborn of F., Osborn of U., Perry, Perviance, Porter, Rippey, Robinson of Rush, Rush, Sands, Shields, Shiveley, Southard, Spann, Stewart, Sweetser, Warriner, Wheeler, White, Wilson of W., Woodard, Worster, Zenor and Mr. Speaker—72.

Those who voted in the negative were:

Messrs. Berkshire, Butler, Edmonson, English, Henly, Jackson, Jamison, Jones, Judah, Milroy, Montgomery, Morgan, Parker, Robinson of Ripley, Thompson and Wilson of M.—15.

So said resolution was laid upon the table.

Mr. Long made the following report:

MR. SPEAKER—

The select committee to which was referred No. 75, a bill for the relief of contractors and others engaged on the public works, have considered the same, and have agreed to amend the bill, by striking it out from the enacting clause and inserting in lieu thereof the several sections here presented, in which I am directed to request the concurrence of the House.

On motion of Mr. Long,

The report of the committee was laid upon the table and 500 copies of the amendment were ordered to be printed.

Mr. Jones introduced

No. 91, a bill to legalize the acts of the trustees of the town of Rockport in Spencer county, and for other purposes;

Which was read a first time and passed to a second reading.

Mr. Wilson of M. introduced

No. 92, a bill for the relief of settlers on canal lands;

Which was read a first time and passed to a second reading.

Mr. Edmonson introduced

No. 93, a bill to locate a State road in the county of Dubois;
Which was read a first time and passed to a second reading.

Mr. Bowles introduced

No. 94, a bill declaring certain names therein misprints;

Which was read a first time and passed to a second reading;

Mr. Hamblen introduced

No. 95, a bill to regulate the jurisdiction of justices of the peace in Brown county;

Which was read a first time and passed to a second reading.

Mr. Jamison introduced

No. 96, a bill to incorporate the Greensburgh and Vernon turnpike company;

Which was read a first time and passed to a second reading on to-morrow.

Mr. Morgan presented the following protest; which was ordered to be recorded upon the journal of the House, to-wit:

The undersigned, availing themselves of their constitutional right, offer the following protest against the resolution to adjourn from Tuesday the 24th of December 1833, to Thursday the 2nd of January 1840, for the following amongst other reasons:

First: The practice of adjourning over the holidays has grown into a dangerous precedent, and is an evil of rapid growth, as the present unusually long adjournment, at a time of extreme public and private pecuniary embarrassment, abundantly proves.

Because, the practice is so pertinaciously adhered to, that now, it is claimed as a matter of right, as well as of expediency, and judging from the present, no emergency can arise, that would induce members to abandon a practice so pernicious.

Because, we believe the argument "that it is necessary for us to adjourn, go home and mix amongst our constituents, for the purpose of collecting public opinion and to ascertain what they wished to have done," is weak, flimsy, unsubstantial and unfounded; because we do know, that a whole community, involved in deep distress, is calling loudly for action; prompt, speedy and energetic action, to relieve their distress, and yet we "laugh at their calamity and mock their fears," by a long adjournment, at a time when thousands of honest laborers, who have labored, sweat and toiled on our public works, are enduring all the rigors of winter, poorly clothed and nearly destitute of the means of subsistence.

Because, the contractors on the public works had every reason to believe, that their condition would excite our commiseration and call forth our warmest sympathies, and every principle of right and justice demanded, that our efforts should be unceasing, until this much injured class received relief.

Because, thus to excite expectations but to disappoint them, is adding insult to injury, at a time too, when the property of the contractors, as

well as that of other citizens is going off under the hammer, at the most enormous and startling sacrifices.

Because, the people are taxed almost beyond endurance, to meet the demands upon the treasury, and it is contrary to strict and rigid economy, and a violation of every principle of expediency, justice and good government, to add to their burdens by a long adjournment, at their expense, in times like these.

Because, it deranges and retards the business of legislation, and protracts the session beyond the period when professional men are compelled to go home. Thus deprived of their valuable and important services, the business of legislation will be hurried, confused and imperfect, and an adjournment *sine die*, with a great amount of unfinished business, will be the consequence.

Because, an adjournment of two days, at the sitting of each convention, will probably take place, which would be time enough to loose in one session without adjourning over the hollidays.

Because, the great assemblage of citizens from all parts of the State, that will take place, at the meeting of the conventions, will afford a much better opportunity to collect public sentiment than a short stay of a few days with our *families* could possibly do, thus annihilating the only plausible pretext for an adjournment, at this time:

Jesse Morgan,
A. S. Wheeler,
William Baker,
W. Jones,
Jas. S. Shiveley,
F. B. Cogswell,
Nathaniel Albertson,
Jas. Johnson,
W. Perry,
Wm. G. Montgomery,
Wm. Conaway,
B. F. Arnold,
John Flint,
Isaac Stewart,
Amos Lane,
John Foster,
Elisha Long,
Hugh Hamer,
J. F. Beckett,
Robert Clark,
John Zenor,

John S. Spann,
Jeptha Garrigus,
Lewis Warriner,
W. H. Bennett,
James White,
R. Osborn of F.,
Alpha Frisbie,
John B. Wilson of W.
Samuel Sands,
George W. Moore of O.,
Jno. F. Allison,
Benj. R. Edmonson,
Henry C. Monroe,
John J. Morrison,
James Osborn of W.,
H. B. Herriman,
John Gardner,
John Nelson of M.,
Joseph Moore of V.,
Smith Miller,
Wm. R. Haddon,

On motion,
The House adjourned until two o'clock P. M.

Two o'clock, P. M.

The House met pursuant to adjournment;

Mr. Cogswell from the select committee on that subject, reported the following bill:

No. 97, a bill to incorporate the town of Noblesville in the county of Hamilton, Indiana;

Which was read a first time and passed to a second reading.

The House now proceeded to the consideration of the orders of the day.

No. 82, a bill to amend an act entitled "an act to incorporate the Lawrenceburgh bridge company," approved January 24, 1831, was read a second time; and

On motion of Mr. Lane,

Referred to a select committee of Messrs. Lane, Conaway, Lanius and Perry.

No. 83, a bill to legalize the incorporation of the town of Brookville, and for other purposes; was read a second time and ordered to be engrossed for a third reading.

No. 84, a bill to incorporate the city of Richmond in Wayne county, was read a second time; and

On motion of Mr. Judah,

Referred to the committee on corporations.

No. 85, a bill providing for the location of a State road in White and Carroll counties;

Which was read a first time; and

On motion of Mr. Bowles,

Referred to the committee on roads.

The following bills were severally read a third time and passed, to-wit:

No. 15, an engrossed bill of the Senate, to change the name of Germantown in Floyd county to that of Galena;

No. 64, a bill to amend an act entitled "an act for the protection of the Madison and Indianapolis rail road, &c., approved 14th February 1839;

No. 65, a bill for the relief of Nicholas G. Cronwell and others;

No. 72, a bill to provide for the election of a justice of the peace in the town of Alexander in Madison county;

No. 80, a bill regulating the jurisdiction of justices of the peace of Jackson county;

No. 81, a bill to repeal an act entitled "an act to vacate a part of the town of Milford in the county of Kosciusko; and

No. 74, a bill to legalize the time of holding the sessions of the board of commissioners of the county of Marion.

Ordered, That the clerk inform the Senate of the passage of the foregoing bills.

No. 67, a joint resolution in relation to Edward M. Beckwith was read a third time; and

On the question, Shall said joint resolution pass?

The ayes and noes being requested thereon, by Messrs. Hunt and Gardner,

Those who voted in the affirmative were:

Messrs. Albertson, Allison, Arnold, Atherton, Baker, Beckett, Berkshire, Bowles, Buckles, Burke, Butler, Campbell, Carleton of F., Clark, Coats, Cogswell, Conaway, Cooper, Cutter, Eccles, Edmonson, English, Farley, Finch, Flint, Foster, Frisbie, Garrigus, Gardner, Hamblen, Henly, Hull, Hunt of J., Hunt of R., Johnson, Lane, Laninus, Lee, Long, McCormack, McCoy, Milroy, Monroe, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of F., Osborn of U., Parker, Perry, Perviance, Porter, Robinson of Ripley, Robinson of Rush, Sands, Shields, Stewart, Warriner, White, Wilson of W., Worster, Zenor and Mr. Speaker—65.

Those who voted in the negative were:

Messrs. Bell, Bennett, Carlton of L., Cox, Everts, Fisher, Hamer, Herriman, Jackson, Jamison, Jenckes, Jones, Judah, Lancaster, McGaughey, Morgan, O'Neill, Rippey, Robinson of J., Rush, Shiveley, Southard, Spann, Thompson, Wilson of M. and Woodard—26.

So said bill passed.

Ordered, That the clerk inform the Senate thereof.

The House now, according to order, resolved itself into a committee of the whole, on bill No. 1, for the abolishment of imprisonment for debt; Mr. Berkshire in the chair, and after some time spent therein, the committee rose, and the chairman reported progress and asked leave to set again.

On the question, Shall such leave be granted? it was decided in the negative.

On motion,

The House adjourned until to-morrow morning at nine o'clock.

SATURDAY MORNING, JANUARY 4, 1840.

The House met pursuant to adjournment.

The Speaker laid before the House a communication from the

Treasurer of State, containing a bill of payments on account of the State House;—also, a recommendation for heating the said building, through the agency of rarified air;

Which were referred to the committee on public buildings.

Mr. Herriman presented two several petitions, on the subject of the seat of justice of Lagrange county;

Which were referred to the same select committee heretofore appointed on that subject.

Mr. Herriman presented the petition of Hiram King and others, praying for the location of a certain state road therein named;

Which was referred to the committee on roads.

Mr. Atherton presented the petition of C. G. Crittenden and others, recommending the passage of "a bill, now before the House, for the relief of contractors, and for a judicious continuation of the public works, without any increase of taxation," with proper modifications; which,

On motion of Mr. Atherton,

Was referred to the same committee of the whole, to which the before mention bill had been referred.

Mr. Milroy presented the petition of Robert McCain and others, for the passage of a law to secure the settlers on lands belonging to the state, the benefit of all valuable improvements;

Which was referred to the committee on canals and internal improvements.

Mr. Perviance presented the petition of William Delvin and others, that certain proceedings of the Board of Commissioners of Huntington county may be legalized;

Which was referred to the judiciary committee.

Mr. Coats presented the petition of J. Wilkinson and others, praying an act of incorporation for the town of Black Hawk;

Which was referred to the committee on the judiciary.

Mr. Perviance presented the petition of J. W. Kendall and others, praying for the location of a certain state road therein named;

Which was referred to the committee on roads.

Mr. Conaway presented two several petitions from the citizens of Dearborn county on the subject of a bridge across Hogan creek, on the state road from Aurora to Wilmington;

Which were referred to a select committee of the delegation from Dearborn county.

Mr. Robinson of J., presented a communication from E. Levy, presenting to the members of the House one hundred copies of a pamphlet on banking, with a request that the House may take into consideration the principles therein contained;

Which was referred to the select committee on free banking.

Mr. Thompson presented the petition of Jesse Vermilya and others of Allen county, for the location of a certain state road therein named;

Which was referred to the committee on roads.

Mr. Herriman presented "an essay, on banking," in pamphlet form, by a citizen of Indiana;

Which was referred to the select committee on free banking.

Mr. Eccles made the following report:

MR. SPEAKER—

The judiciary committee to whom was referred, the resolution of this House, directing them to inquire into so much of the 11th section of the act regulating fees and salaries, approved February 7th, 1831, as relates to witnesses claiming their fees in open court, with instructions, what amendments, if any, should be made thereto, have, according to order, had the same under their consideration, and have directed me to report, that it is inexpedient to legislate further on that subject, and ask to be discharged from the further consideration thereof;

Which report was concurred in and the committee discharged accordingly.

Mr. Albertson made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of Henry P. Keen and others on the subject of a state road in Harrison county have had the same under consideration and have directed me to report the following bill, to wit:

No. 98, a bill to repeal an act entitled "an act to vacate a state road from Corydon, in Harrison county to the Ohio river, opposite the mouth of Salt river;"

Which was read a first time and passed to a second reading.

Mr. Bell made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of sundry citizens of Pike county, praying that no tax be hereafter imposed on the lands of residents of said county for the purpose of opening and repairing roads and highways, have had the same under consideration and have directed me to report the following bill, viz:

No. 99, a bill concerning the tax imposed upon the land of residents in the county of Pike for the purpose of repairing roads and highways;

Which was read the first time and passed to a second reading.

Mr. Wilson of W., made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of John Catterton and others, upon the subject of a state road to be located in the counties of Jasper and Tippecanoe, have, according to order had that subject under consideration, and have directed me to report the accompanying bill in accordance with the prayer of the said petitioners and to recommend its passage, to wit:

No. 100, a bill to locate a state road in the counties of Tippecanoe and Jasper;

Which was read the first time and passed to a second reading.

Mr. Hunt of R., from a select committee on that subject reported No. 101, a bill to locate a state road therein named;

Which was read the first time and passed to a second reading.

Mr. Judah presented the petition of the President and Secretary of the Indiana Mutual Fire Insurance Company for the passage of an act to amend the act incorporating said company;

Which was referred to the committee on the judiciary.

Mr. Johnson made the following report:

MR. SPEAKER—

The select committee to whom was referred to the petition of sundry citizens of the town of Bridgeport, in the county of Marion, have had the same under consideration, and directed me to report the following bill, to wit:

No. 102, a bill to authorize the election of an additional justice of the peace in Wayne township, Marion county;

Which was read a first time and passed to a second reading.

On motion of Mr. Berkshire,

Resolved, That a select committee of five be appointed, to inquire into the expediency of so amending the criminal laws, that witnesses summoned and attending on behalf of the state, be allowed the same fees that witnesses are allowed in other cases, and that when the prosecution on any indictment fails, the witnesses be paid out of the county treasury;

Also, inquire into the expediency of providing by law, that witnesses voluntarily appearing before grand juries to procure indictments, shall be liable for costs when such prosecutions fail; and that they have leave to report by bill or otherwise,

Messrs. Berkshire, Woster, Zenor, Wheeler and Warriner were appointed said committee.

On motion of Mr. Burke,

Resolved, That a select committee of three be appointed, to inquire

into the expediency of so altering the 7th section of an act entitled "an act incorporating the Richmond and Boston turnpike company, approved February 15th, 1839, so as to allow the company to commence operations so soon as thirty thousand dollars of the capital stock is subscribed; with leave to report by bill or otherwise.

Messrs. Burke, Bennett and Jackson were appointed said committee.

Mr. Robinson of Ripley offered for adoption the following preamble and resolution:

Whereas, much excitement has prevailed, in regard to the late adjournment of this House; and whereas, it is important for the people to know, what position their Representatives respectively occupied, in regard to said adjournment; and whereas it is unfair, for members who bolted, when their names were called, to come in at this time, and enter their protest against said adjournment, and thereby avoid responsibility; and whereas, it is just and right, that every member of this House should be placed before his constituents in a true light:

Resolved therefore, That a committee of seven members be appointed by this House, whose duty it shall be to ascertain and report to this House, at an early day, the following information:

1st. The name of each member that voted in favor of the adjournment, the county such member represents, and whether said member is whig or democrat.

2d. The name of each member that voted against the adjournment, the county such member represents, and whether said member is a whig or democrat.

3d. The name of each member that bolted, and the county he represents, and whether whig or democrat.

4th. Whether any members of this House bolted, and after the decision was announced from the chair, came in and recorded their names against said adjournment, and, if so, whether or no said members did or did not make speeches in favor of said adjournment and encourage others to make like speeches; as also the name of said member or members, and the county such member represents.

5th. How many members have signed a protest against said adjournment, who refused to vote on the resolution, with the name and residence of such member or members.

6th. How many members signed said protest, who voted for the adjournment, with the name and residence of such member or members.

7th. How many members voted against said resolution and left the House before the adjournment took place, and on what day such member left the House, with the name, residence and politics of said member or members.

Mr. Hull moved to lay the resolution on the table,
And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Clark, Finch, Garrigus, Gardner, Henly, Herriman, Hull,

Milroy, Moore of V., Sweetser and Mr. Speaker—11.

Those who voted in the negative were:

Messrs. Albertson, Allison, Arnold, Atherton, Baker, Beckett, Bell, Bennett, Berkshire, Bowles, Buckles, Burke, Butler, Campbell, Carleton of F., Carlton of L., Coats, Cogswell, Conaway, Cooper, Cox, Cutter, Dunn, Eccles, Edmonson, English, Everts, Farley, Fisher, Flint, Foster, Frisbie, Hamer, Hamblen, Hunt of R., Jackson, Jamison, Jenckes, Johnson, Jones, Judah, Lane, Lanius, Lee, Long, McCormack, McCoy, McGaughey, Monroe, Montgomery, Moore of O., Morgan, Morrison, Nelson of B., Nelson of M., O'Neill, Osborn of F., Osborn of U., Parker, Perry, Perviance, Porter, Rippey, Robinson of J., Robinson of Ripley, Robinson of Rush, Rush, Sands, Shields, Shiveley, Southard, Spann, Stewart, Thompson, Warriner, Wheeler, White, Wilson of M., Wilson of W., Woodard, Worster, and Zenor,—82.

So said resolution was not laid upon the table.

Mr. Carleton of F., moved to amend the resolution by adding the following as an additional proposition, to wit:

"8th. The names of those members, who, notwithstanding they voted against the adjournment, were extremely anxious for the same, and encouraged others to vote for it, the counties where they reside and their politics;"

Which amendment was adopted.

Mr. Foster moved to strike out the preamble and resolution, and insert the following:

"That this House will not, during the present session, entertain any motion on the subject of the late recess adjournment."

Mr. Robinson of Ripley called for a division of the question.

Mr. Stewart moved to lay the resolution and pending amendment upon the table.

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Arnold, Beckett, Bennett, Bowles, Campbell, Clark, Cutter, Dunn, Edmonson, English, Farley, Finch, Garrigus, Gardner, Hamer, Hamblen, Herriman, Hull, Jenckes, Jones, Lee, Milroy, Monroc, Moore of V., Morgan, Morrison, Nelson of M., O'Neill, Osborn of U., Rippey, Sands, Stewart, Sweetser, Warriner, Wilson of M., Wilson of W., Zenor, and Mr. Speaker—39.

Those who voted in the negative were:

Messrs. Allison, Atherton, Baker, Bell, Berkshire, Buckles, Burke, Butler, Carleton of F., Carlton of L., Coats, Cogswell, Conaway, Cooper, Cox, Eccles, Everts, Fisher, Flint, Foster, Frisbie, Hen-

ley, Hunt of R., Jackson, Jamison, Johnson, Judah, Lane, Lancaster, Lanius, Long, M'Cormack, McCoy, Montgomery, Moore of O., Nelson of B., Osborn of F., Parker, Perry, Perviance, Porter, Robinson of J., Robinson of Ripley, Robinson of Rush, Rush, Shields, Shiveley, Southard, Spann, Thompson, Wheeler, White, Woodard, and Worster—54.

So said resolution was not laid upon the table.

Mr. Perry now moved further to add to the original resolution, the following amendment, to wit:

“And also to inquire of said members, who voted in favor of said adjournment, whether they did not pledge themselves, on the stump, to oppose said adjournment, or not;”

Which amendment was adopted.

Mr. Robinson of Rush moved further to amend, by adding the following; which was adopted, to wit:

“And also to ascertain the names of such members as left for their homes, on the evening of the passage of the joint resolution; the counties in which they reside, and their politics; also the names of those who left on the following day, their names and politics; and to ascertain, particularly, which they preferred, as the whig nominee for the Presidency, Clay or Harrison.”

Mr. Long moved further to amend, as follows; which was adopted, to wit:

“Also, whether or not there was a quorum of the House, when transacting business, on the day previous to the recess.”

Mr. Morrison moved to indefinitely postpone the resolution and amendments,

And the ayes and noes being requested thereon, by Messrs. Robinson of Ripley and Butler,

Those who voted in the affirmative were:

Messrs. Albertson, Arnold, Beckett, Bowles, Buckles, Campbell, Clark, Cogswell, Cutter, Dunn, Edmonson, English, Farley, Finch, Foster, Garrigus, Gardner, Hamer, Hamblen, Henly, Hull, Hunt of R., Jenckes, Johnson, Jones, Lane, Lanius, Lee, McCormack, McCoy, M'Gaughey, Milroy, Monroe, Moore of V., Morgan, Morrison, Nelson of M., O'Neill, Osborn of F., Osborn of U., Perviance, Rippey, Sands, Shields, Shiveley, Stewart, Sweetser, Warriner, Wilson of M., Wilson of W., Zenor, and Mr. Speaker—52.

Those who voted in the negative were:

Messrs. Allison, Atherton, Baker, Bell, Bennett, Berkshire, Burke, Butler, Carleton of F., Carlton of L., Coats, Conaway, Cooper, Cox, Eccles, Everts, Fisher, Frisbie, Jackson, Jamison, Judah, Lancaster, Long, Montgomery, Moore of O., Nelson of B., Parker, Perry, Porter, Robinson of J., Robinson of R., Robinson of Rush., Rush, South-

ard, Spann, Thompson, Wheeler, White, Woodard and Worster—41.
So said resolution was indefinitely postponed.

On motion of Mr. Milroy,

Resolved, That the judiciary committee be instructed to inquire, whether some law, or some amendment to existing laws, is not necessary, to protect owners of real estate, against illegal or irregular sales thereof on execution, or otherwise, and to secure to purchasers of all such property, a good and sufficient deed or deeds for the same; and on failure of the sufficiency of such deed or deeds, to secure the restoration of the money paid; with leave to report by bill or otherwise.

Mr. Judah, on leave granted, made the following report, to wit:

MR. SPEAKER—

The judiciary committee according to order, have had under consideration bill of the House, No. 51, entitled "a bill authorising the Vanderburgh Lyceum to sell or donate, transfer or convey real estate;" and have directed me to report the same without amendment, and recommend its passage.

The committee have also had under consideration a resolution relative to the second section of the practice act of Feb., 1839, and have directed me to report, that further legislation on the subject of that section is not expedient.

The report was concurred in, and, bill No. 51, mentioned in the message was ordered to be engrossed for a third reading.

On motion of Mr. Hull,

Resolved, That the committee on education be instructed to inquire into the expediency of so amending the school law, as to provide, that the inhabitants of any village, within any school district in this State, who are able to raise a sufficient number of scholars for a school, shall be entitled to their proportionate part of the school funds; provided they adopt or build a comfortable school house, and comply with the other requisitions of the law; provided the said school shall not injure the district school."

Mr. Jones offered for adoption the following resolutions:

Resolved, That the committee on canals and internal improvements be instructed to inquire into the expediency of abolishing the present board of internal improvement.

And be it further resolved, That said committee inquire into the expediency and propriety of creating a new board; and, if expedient, to reduce the number of said board; and also to submit the selection of said board to the people, at their next August election; with leave to report by bill or otherwise.

Mr. Long moved to lay the resolutions upon the table;

And the ayes and noes being requested thereon, by Messrs. Jones and Edmonson,

Those who voted in the affirmative were:

Messrs. Allison, Atherton, Baker, Bell, Berkshire, Bowles, Buckles, Burke, Campbell, Carleton of F., Clark, Cogswell, Cooper, Eccles, Everts, Flint, Foster, Gardner, Hamer, Hunt of R., Jackson, Jenckes, Judah, Lane, Lancaster, Lee, Long, McCormack, McCoy, Milroy, Moore of O., Nelson of M., O'Neill, Perviance, Porter, Rippey, Rush, Southard, Warriner, Wheeler, Wilson of M., and Woodard—42.

Those who voted in the negative were:

Messrs. Albertson, Arnold, Beckett, Bennett, Butler, Carlton of L., Coats, Conaway, Cox, Cutter, Dunn, Edmonson, English, Farley, Finch, Frisbie, Garrigus, Hamblen, Henly, Hull, Jamison, Johnson, Jones, Lanius, McGaughey, Monro, Montgomery, Moore of V., Morgan, Morrison, Nelson of B., Osborn of F., Osborn of U., Parker, Perry, Robinson of J., Robinson of R., Robinson of Rush, Sands, Shiveley, Spann, Stewart, Sweetser, Thompson, White, Wilson of W., Worster, Zenor and Mr. Speaker—49.

So said resolutions was laid upon the table.

On motion.

The House adjourned until two o'clock, P. M.

Two o'clock, P. M.

The House met pursuant to adjournment; and

Resumed the consideration of the resolutions pending when the House adjourned.

Mr. Bowles moved to amend the resolution, by striking out that part thereof which relates to an election of the board of improvement, by the people, and insert the following:

"To be elected by joint *viva voce* vote of both Houses of the General Assembly."

Mr. Robinson of J. moved to amend the amendment, as follows:

"Strike out the words, 'joint *viva voce* vote of both Houses of the General Assembly,' and insert, 'the separate *viva voce* vote of each House.'"

Which amendment to the amendment was not adopted.

Mr. Cogswell moved that the resolution and proposed amendment be laid upon the table,

And the ayes and noes being requested thereon, by Messrs. Jones and Edmonson,

Those who voted in the affirmative were:

Messrs. Allison, Atherton, Baker, Bell, Berkshire, Bowles, Buckles, Burk, Carleton of F., Coats, Cogswell, Cooper, Cutter, Eccles,

Everts, Flint, Herriman, Hunt of R., Jackson, Jenckes, Judah, Lane, Lancaster, Lee, Long, McCormack, Milroy, Monroe, Moore of O., Morrison, Nelson of B., O'Neill, Osborn of F., Parker, Perry, Perviance, Rippey, Robinson of J., Rush, Shiveley, Spann, Sweetser, Thompson, Warriner, and Woodard—45

Those who voted in the negative were:

Messrs. Albertson, Arnold, Beckett, Bennett, Butler, Campbell, Carlton of L., Clark, Conaway, Cox, Dunn, Edmonson, English, Farley, Finch, Fisher, Foster, Frisbie, Garrigus, Gardner, Hamer, Hamblen, Henly, Hull, Hunt of J., Jamison, Johnson, Jones, Lanius, McCoy, Montgomery, Moore of V., Morgan, Nelson of M., Osborn of U., Porter, Robinson of Ripley, Robinson of Rush, Sands, Shields, Southard, Stewart, Wheeler, White, Wilson of W., Worster, Zenor and Mr. Speaker—48.

So said motion to lay upon the table was decided in the negative.

Mr. Judah moved that the resolutions and proposed amendment be indefinitely postponed,

And the ayes and noes being requested thereon, by Messrs. Edmonson and Sands.

Those who voted in the affirmative were:

Messrs. Allison, Atherton, Baker, Bell, Berkshire, Burke, Carleton of F., Cogswell, Cooper, Cox, Eccles, Everts, Finch, Flint, Hamer, Herriman, Hunt of R., Jackson, Jenckes, Judah, Lane, Lancaster, Long, McCormack, Nelson of B., O'Neill, Osborn of F., Parker, Perviance, Rippey, Robinson of J., Rush, Shiveley, Thompson, Wilson of M., and Woodard—37.

Those who voted in the negative were:

Messrs. Albertson, Arnold, Beckett, Bennett, Bowles, Buckles, Butler, Campbell, Carlton of L., Clark, Coats, Conaway, Cutter, Dunn, Edmonson, English, Farley, Fisher, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamblen, Henly, Hull, Hunt of J., Jamison, Johnson, Jones, Lanius, Lee, McCoy, Milroy, Monroe, Montgomery, Moore of O., Moore of V., Morgan, Morrison, Nelson of M., Osborn of U., Porter, Robinson of Ripley, Robinson of Rush, Sands, Shields, Southard, Spann, Stewart, Sweetser, Warriner, Wheeler, White, Wilson of W., Worster, Zenor and Mr. Speaker—57.

So said resolution was not indefinitely postponed.

The question recurring on the adoption of the amendment offered by Mr. Bowles to the resolution.

Mr. Edmonson called for a division of the question and the question being put, on striking out,

And the ayes and noes being requested thereon, by Messrs. Edmonson and Jones,

Those who voted in the affirmative were:

Messrs. Allison, Arnold, Atherton, Baker, Bell, Bowles, Buckles, Burke, Carlton of L., Clark, Cogswell, Eccles, Everts, Farley, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamer, Hamblen, Herriman, Hull, Hunt of J., Hunt of R., Jackson, Johnson, Lane, Lancaster, Lanius, Lee, Long, McCoy, Milroy, Monroe, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of M., O'Neill, Osborn of F., Osborn of U., Parker, Perry, Perviance, Porter, Rippey, Robinson of Rush, Rush, Shields, Shiveley, Southard, Stewart, Thompson, Warriner, Wheeler, White, Wilson of W., and Worster—60.

Those who voted in the negative were:

■ Messrs. Albertson, Beckett, Bennett, Berkshire, Butler, Campbell, Carleton of F., Coats, Conaway, Cooper, Cox, Cutter, Dunn, Edmonson, English, Finch, Fisher, Flint, Jamison, Jenckes, Jones, Judah, McCormack, McGaughey, Montgomery, Morgan, Robinson of J., Robinson of Ripley, Sands, Spann, Sweetser, Wilson of M., Woodard, Zenor and Mr. Speaker—35.

So the part mentioned of the resolution was stricken out.

The question recurring on inserting the proposed amendment, it was decided in the affirmative.

Mr. Allison moved further to amend the resolution by adding the following.

“That the committee on canals and internal improvements, be further instructed to inquire into the expediency of suspending for one year, from and after the first day of March next, all further appropriations on the public works of this State, included in the system of internal improvements.”

Mr. Carleton of F. moved to lay the resolution and proposed amendment upon the table,

And the ayes and noes being requested thereon, by Messrs. Jones and Edmonson,

Those who voted in the affirmative were:

Messrs. Atherton, Baker, Bell, Berkshire, Burke, Butler, Carleton of F., Cogswell, Cooper, Cox, Cutter, Everts, Finch, Flint, Foster, Hamer, Hunt of R., Jackson, Jenckes, Lane, Lancaster, Long, McCormack, McGaughey, Milroy, O'Neill, Parker, Perry, Perviance, Rippey, Robinson of J., Rush, Shiveley, Thompson, Wilson of M., and Woodard—36.

Those who voted in the negative were:

Messrs. Albertson, Allison, Beckett, Bennett, Bowles, Buckles,

Campbell, Corlton of L., Clark, Coats, Conaway, Dunn, Eccles, Edmonson, English, Farley, Fisher, Frisbie, Garrigus, Gardner, Haddon, Hamblen, Henly, Herriman, Hull, Jamison, Johnson, Jones, Judah, Lanius, Lee, McCoy, Monroe, Montgomery, Moore of O., Moore of V., Morgan, Morrison, Nelson of B., Nelson of M., Osborn of F., Osborn of U., Porter, Robinson of Ripley, Robinson of Rush, Sands, Shields, Southard, Spann, Stewart, Sweetser, Warriner, Wheeler, White, Wilson of W., Worster, Zenor and Mr. Speaker—58.

So said resolution was not laid upon the table.

The question recurring on the adoption of the amendment offered by Mr. Allison,

And the ayes and noes being requested thereon, by Messrs. Allison and Jones,

Those who voted in the affirmative were:

Messrs. Albertson, Allison, Beckett, Bennett, Bowles, Campbell, Carlton of L., Clark, Coats, Conaway, Davis, Dunn, Edmonson, Fisher, Garrigus, Haddon, Henly, Jamison, Jones, Lanius, McCoy, Montgomery, Moore of V., Nelson of B., Osborn of U., Perry, Robinson of Ripley, Robinson of Rush, Sands, Southard, Spann, White, Wilson of W., Worster, Zenor, and Mr. Speaker—36.

Those who voted in the negative were:

Messrs. Baker, Bell, Berkshire, Buckles, Burke, Butler, Carleton of F., Cogswell, Cooper, Cox, Cutter, Eccles, English, Everts, Farley, Finch, Flint, Foster, Frisbie, Gardner, Hamer, Hamblen, Herriman, Hull, Hunt of J., Hunt of R., Jackson, Jenckes, Johnson, Judah, Lane, Lancaster, Lee, Long, McCormack, McGaughey, Milroy, Monroe, Moore of O., Morgan, Morrison, Nelson of M., O'Neill, Osborn of F., Parker, Perviance, Porter, Rippey, Rush, Shields, Shiveley, Stewart, Sweetser, Thompson, Warriner, Wheeler, Wilson of M., and Woodard—59.

So said amendment was not adopted.

Mr. Milroy moved to strike out the resolution from the resolving clause and insert the following:

"That the committee on canals and internal improvements be instructed to report to this House, whatever they may think proper, in relation to the board of internal improvement, and that this House will then make whatever disposition it may think proper of such report."

Mr. Jones called for a division of the question, and the question being put on striking out,

And the ayes and noes being requested thereon, by Messrs. Jones and Edmonson,

Those who voted in the affirmative were:

Messrs. Allison, Arnold, Atherton, Baker, Bell, Carleton F., Cogs-

well, Cox, Everts, Herriman, Hunt of R., Jackson, Judah, Lancaster, Long, McCormack, Milroy, Nelson of B., O'Neill, Parker, Robinson of J., Rush, Shiveley, Spann, Thompson, Wilson of M., and Woodard—28.

Those who voted in the negative were:

Messrs. Albertson, Beckett, Bennett, Berkshire, Bowles, Buckles, Burke, Butler, Campbell, Carlton of L., Clark, Coats, Conaway, Cooper, Cutter, Davis, Dunn, Eccles, Edmonson, English, Farley, Finch, Fisher, Flint, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamer, Hamblen, Henly, Hull, Jamison, Johnson, Jones, Lane, Lanius, Lee, McCoy, Monroe, Montgomery, Moore of O., Moore of V., Morgan, Morrison, Nelson of M., Osborn of F., Osborn of U., Perry, Perviance, Porter, Rippey, Robinson of R., Robinson of Rush, Sands, Shields, Southard, Stewart, Sweetser, Warriner, Wheeler, White, Wilson of W., Worster, Zenor, and Mr. Speaker—67.

So the House refused to strike out.

The question again recurring on the adoption of the resolution, as amended,

And the ayes and noes being requested thereon, by Messrs. Jones and Edmonson,

Those who voted in the affirmative were:

Messrs. Albertson, Allison, Arnold, Beckett, Bennett, Bowles, Buckles, Campbell, Carlton of L., Clark, Coats, Conaway, Davis, Dunn, Eccles, Edmonson, English, Farley, Fisher, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamer, Hamblen, Henly, Herriman, Hull, Hunt of J., Jamison, Johnson, Jones, Lane, Lanius, Lee, McCoy, Monroe, Montgomery, Moore of O., Moore of V., Morgan, Morrison, Nelson of B., Nelson of M., Osborn of F., Osborn of U., Perry, Porter, Rippey, Robinson of Ripley, Robison of Rush, Sands, Shields, Southard, Spann, Stewart, Sweetser, Warriner, Wheeler, White, Wilson of W., Worster, Zenor and Mr. Speaker.—65.

Those who voted in the negative were:

Messrs. Atherton, Baker, Bell, Berkshire, Burke, Butler, Carleton of F., Cogswell, Cooper, Cox, Cutter, Everts, Finch, Flint, Hunt of R., Jackson, Jenckes, Judah, Lancaster, Long, McCormack, McGaughey, Milroy, O'Neill, Parker, Perviance, Robison of J., Rush, Shiveley, Thompson, Wilson of M., and Woodard—32.

So said resolution as amended, was adopted.

Mr. Sweetser, on leave being granted introduced the following resolution; which was adopted, to wit:

Resolved, That the chairman of the standing committee inform this House, whether any standing committee has employed a clerk, and, if

so, who he is, what is his compensation, and by what authority such employment has been made, and what are his duties.

Mr. Allison introduced

No. 103, a bill to locate a State road in Green county;

Mr. Beckett introduced

No. 104, a bill to amend a part of an act entitled "an act pointing out the mode of levying taxes and fixing the per centum for State purposes, approved February 15, 1839;

Mr. Flint introduced

No. 105, a bill to amend an act entitled "an act to establish certain State roads therein named;"

Mr. Cooper introduced

No. 106, a bill to amend an act relative to domestic attachments;"

Mr. Moore of O. introduced

No. 107, a bill to authorize Stephen Barns to build a milldam across White river;

Mr. Foster introduced

No. 108, a bill to locate a State road in the county of Hancock;

Mr. Jones introduced

No. 109, a bill to incorporate the governor's Guards, in Spencer county;

Mr. Herriman introduced

No. 110, a bill to legalize the proceedings of the commissioners of De Kalb county;

Which were severally read a first time and ordered to pass to a second reading.

Mr. Cutter now moved to postpone the previous orders of the day for the purpose of taking up bill of the House,

No. 1, for the abolishment of imprisonment for debt;

Which motion was decided in the affirmative.

A message from the Senate by Mr. Test their secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed bills of the House, viz:

No. 31, an act to provide for the election of a justice of the peace in the town of New London in Daviess county.

No. 59, an act for the relief of the collectors of Saint Joseph's county,

Each without amendment.

On motion,

The House adjourned until Monday morning at nine o'clock.

MONDAY MORNING, JANUARY 6, 1840.

The House met pursuant to adjournment.

Mr. Shively presented the petition of John Gilbert and others, for the passage of a law extending to them the provisions of "an act providing for a more uniform mode of doing township business in the several counties therein named, approved February 17, 1838;

Which was referred to the committee on the judiciary.

Mr. Morrison presented the petition of Henry Doseh and others, praying for an additional justice of the peace and constable in the town of Canton, for Washington township in the county of Washington;

Which was referred to a select committee of Messrs. Morrison, Monroe and Shields.

Mr. Fitch presented the petition of sundry citizens of Cass county, praying a change of venue in a certain case therein named;

Which was referred to a select committee of Messrs. Fitch, Wilson of M., and Milroy.

Mr. Shively presented two several remonstrances of the citizens of Wabash and Miami counties against an alteration and relocation of a portion of the Wabash and Chippewa state road;

Which were referred to the committee on roads.

Mr. M'Coy presented the remonstrance of J. B. Lucas and others, in relation to an additional justice of the peace in Jackson township Shelby county;

Which was referred to the committee on the judiciary.

Mr. Montgomery presented the petition of Joseph Hollaway and others, citizens of Warren and Tippecanoe counties, on the subject of a certain state road therein named;

Which was referred to a select committee of Messrs. Montgomery, Carleton of Fountain and M'Cormack.

Mr. M'Cormack presented the petition of sundry citizens of the counties of Fountain, Montgomery and Park, praying for a new county;

Which was referred to a select committee of Messrs. M'Cormack, Garrigus, Nelson of M., Gardner and Carlton of F.

Mr. Buckles presented the petition of Ambrose W. Henly and others, praying for the location of a certain state road therein named;

Which was referred to the committee on roads.

Mr. Milroy presented the petition of John Martin and others for a state road from Delphi, in Carroll county to Marion in Grant county;

Which was referred to the same select committee heretofore appointed on that subject.

Mr. Perry presented the petition of Warren Tabbs and others, in relation to damages sustained in consequence of the location of the White Water canal;

Which was referred to the committee on canals and internal improvements.

Mr. Osborn of F., presented the petition of G. W. Kimble and others, praying that the heirs of William Dewees be indemnified for lands, &c. destroyed by the White Water canal in the county of Franklin:

Which was referred to the committee on internal improvements.

Mr. White presented the petition of D. L. Southard and others, remonstrating against the recommendation of His Excellency the Governor, where he recommends in his Message, "to protect the property of the debtors in this state from the most appalling sacrifices;"

Which was referred to a select committee of Messrs. White, Cutter, and Frisbie.

Mr. Buckles presented the petition of Edward F. Allen for a state road from the Pipe creek Summit Level in Madison county through the town of Wheeling to intersect the state road running through the town of Wheeling, at or near William M'Cormack's in Delaware county;

Which was referred to the committee on roads.

Mr. Robinson of Ripley, chairman of the committee on elections in answer to a resolution adopted on Saturday, reported that said committee have not employed a clerk.

Mr. Long made the following report:

MR. SPEAKER—

The committee on ways and means to which was referred the petition of Isaac Fish, Collector of Lawrence county asking further time to collect and pay over the revenue of said county, have examined the same and are of opinion that the relief requested should not be granted; the committee have also had under consideration the petition of J. B. Cox and others, praying to be exempt from paying tax on lands purchased of the state; which had been granted to the state of Indiana for canal purposes, and are of the opinion that the prayer of petitioners should not be granted, and ask to be discharged from the further consideration of the above named petitions.

The report was concurred in and the committee discharged accordingly.

Mr. Long made the following report:

MR. SPEAKER—

The committee on ways and means to which was referred a resolution directing them to enquire into the expediency of repealing so much of the act pointing out the mode of levying taxes and fixing the per centum for state purposes approved February 15th, 1839, as re-

quires the boards doing county business to levy a tax for road purposes have had the same under consideration and have directed me to report, that it is inexpedient to legislate on that subject and ask to be discharged from the further consideration thereof.

The report was concurred in and the committee discharged accordingly.

Mr. Long, the chairman of the committee of ways and means, in answer to the resolution adopted on Saturday; on that subject, reported that said committee had not employed a clerk.

Mr. Finch made the following report:

MR. SPEAKER—

The judiciary committee to whom was referred a resolution directing an inquiry into the propriety of amending the first section of the law regulating trespassing animals have directed me to report the resolution back to the House, and recommend its reference to the committee on agriculture.

The report of the committee was concurred in, and the resolution alluded to, referred accordingly.

Mr. Eccles made the following report:

MR. SPEAKER—

The judiciary committee to whom was referred, a resolution of this House directing them to inquire whether the law granting premiums on wolf scalps is still in force, and if so, report a bill to this House repealing the same, according to order, have had the same under their consideration, and upon examination have found that the said law, granting said premiums, being an act to encourage the killing of Wolves, approved February 10th, 1831, is repealed by an act entitled an act repealing all laws and parts of laws then in force granting premiums for Wolf scalps, approved February 17th, 1838. They have therefore directed me to report, that further legislation on that subject is unnecessary, and ask to be discharged from the further consideration thereof.

The report was concurred in and the committee discharged accordingly.

Mr. Robinson of J., made the following report:

MR. SPEAKER—

The committee on the judiciary "to which was referred a resolution instructing them to inquire into the expediency of so altering the astray law, as more effectually to protect property taken up adrift," have had the same under consideration, and directed me to report, that

any alteration in the astray law, for the purpose contemplated in the said resolution, is inexpedient, and to ask that the committee be discharged from the further consideration of the same.

The report was concurred in and the committee discharged accordingly.

Mr. Robinson of J., from the committee on the judiciary reported No. 111, a bill to repeal an act amendatory of an act regulating the taking up of astrays, &c.;

Which was read a first time and passed to a second reading.

Mr. Jamison made the following report:

MR. SPEAKER—

The committee on the judiciary to whom was referred that part of Governor's Message, which relates to the enumeration of the white male inhabitants, have had the same under consideration, and have instructed me to report the following bill; to wit:

No. 112, a bill to provide for taking the enumeration of the white male inhabitants, above the age of twenty one years, in this state; Which was read.

Mr. Robinson of J., made the following report:

MR. SPEAKER—

The committee on the judiciary to whom was referred a resolution instructing them "to inquire into the expediency of establishing Probate Circuits for the transaction of Probate business;" and also a resolution instructing them "to inquire into the expediency of so amending the Probate system of the state, so as to authorize the Probate Judges to keep their own records," have had the same under consideration, and finding the alteration and amendment in the Probate system, proposed by said resolutions inexpedient, have instructed me to report accordingly, and ask that the committee be discharged from the further consideration of said resolutions.

The report was concurred in and the committee discharged accordingly.

Mr. Lane, chairman of the committee on canals and internal improvements made the following report:

MR. SPEAKER—

The committee on canals and internal improvements, in obedience to a resolution of the House, upon the subject of a clerk, have directed me to report, that they have employed none.

Mr. Sweetser made the following report:

MR. SPEAKER—

The committee on corporations to whom was referred a bill to incorporate the Point Commerce, Manufacturing and Trading Company, have had the same under consideration and directed me to report the same with sundry amendments;

Said amendments were concurred in by the House, and the bill ordered to be engrossed for a third reading.

Mr. Sweetser made the following report:

MR. SPEAKER—

The committee on corporations to whom was referred the petition of Greenbury Mullennick and others, praying the repeal of a certain act in said petition named have had the same under consideration and directed me to report the following bill, to wit:

No. 113, a bill to repeal an act entitled "an act to incorporate the Greencastle Savings Institution and Manufacturing and Trading Company, approved February 16th, 1839;

Which was read the first time and passed to a second reading.

Mr. Sweetser chairman of the committee on corporations, reported that said committee had employed no clerk.

Mr. Hunt, from the select committee on that subject, presented to the House, a letter from Gen. Stapp, one of our Fund Commissioners, to said committee, in relation to his negotiations, in reference to Indiana State Bonds.

Mr. Henly moved to refer said communication to the select committee heretofore appointed on that subject;

Which motion was decided in the affirmative.

On motion,

Five hundred copies of said communication were ordered to be printed.

Mr. Milroy made the following report:

MR. SPEAKER—

The select committee to whom was referred sundry petitions on the subject of a state road from Delphi in Carroll county, to Marion in Grant county, have directed me to report the following bill, to wit:

No. 114, to authorise the location of a state road from Camden in Carroll county to Marion in Grant county;

Which was read the first time and passed to a second reading.

On motion of Mr. Moore of O.,

Resolved, That this Hall be tendered to the Whig Convention on the 16th inst.

On motion of Mr. Cooper,

Resolved, 'That the committee on the judiciary be instructed to inquire into the expediency of amending the present laws relative to Probate Courts, so that in all cases, where the estate of any decedent who leaves a widow is not worth over one hundred dollars in value, and when made appear to the satisfaction of said Court, by an inventory made and sworn to by two creditable persons, not related either to the decedent or his widow, and where such inventory is made and filed in open court, and it appears to the satisfaction of the court, that the estate is not worth over one hundred dollars in value, it shall not be necessary to take out letters of administration on said estate; with leave for said committee to report by bill or otherwise.

On motion of Mr. Rush,

Resolved, That the judiciary committee be instructed to examine the 105th and 18th sections of the act entitled "an act establishing a State Bank;" also an act pointing out the mode of levying taxes and fixing the per centage for State purposes, approved February 15th, 1839, and, if upon such examination the committee find, that the present tax, over and above the ratio of taxation on other capital and property, levied upon Bank stock is unjust or illegal, that they report a bill repealing so much of the said last mentioned act as requires such tax to be levied and collected.

On motion of Mr. Atherton,

Resolved, That the committee on ways and means be instructed to inquire into the expediency and propriety of so amending the law regulating the surplus revenue, that the borrowers of said fund shall be allowed to retain said fund two years longer after the same becomes due, by paying the interest annually in advance; and to report by bill or otherwise.

On motion of Mr. Foster,

Resolved, That the President of the Branch of the State Bank, at Indianapolis, report to this House, at as early a day as possible, the amount of loans for six months past, who to, the amount to each, and place of residence.

On motion of Mr. Jenckes.

Resolved, That the committee on education inquire into the expediency of so amending the school law, as to make it the duty of the township trustees to exhibit their books and accounts to any voter of the township, who may apply for that purpose, and in case of refusal to be subject to a fine of five dollars for each separate refusal, to be recovered before a justice of the peace of said township; one half to go to the complainant, and the other half to the school fund of the township.

Mr. Eccles offered for adoption the following preamble and resolution;

Whereas, it is represented and believed to be true, that Samuel Merrill, President of the State Bank of Indiana recently returned from the East, where he has been engaged some time negotiating a loan to increase our Bank stock; therefore,

Resolved, That the committee on the State Bank be "instructed to call on said Merrill for information, and to report to this House, instantler, or as soon as practicable, the situation of our Bank fund under his control in New York, or elsewhere.

Mr. Flint moved to strike out of the resolution, the word "instantler;"

Which motion was decided in the affirmative.

Mr. White moved to strike out the resolution from the resolving clause and insert the following:

"That the President of the State Bank be, and he is hereby required to report to this House at as early a day as possible, the situation of the million State bonds, disposed of by him for Banking purposes."

On the question, shall said amendment be adopted? it was decided in the negative.

The resolution was then adopted.

On motion of Mr. Butler,

Resolved, That the Speaker of this House be directed to call upon the president of the Board of Trustees of the Bloomington State University, by correspondence or otherwise for the annual report of that Institution; and further, to inquire of him the cause of said report not having been made to this House before this.

Mr. Baker offered for adoption the following resolution:

Resolved, That the judiciary committee be instructed to inquire into the expediency of so amending the criminal laws as to allow persons subpoenaed to appear before the Grand Jury, seventy five cents per day for their services to be paid out of the county treasury, with leave to report by bill or otherwise.

On the question, shall said resolution be adopted? it was decided in the negative.

Mr. Bell moved for the adoption the following resolution:

Resolved, That the committee of ways and means be instructed to inquire into the expediency of amending the present law, fixing the time for collectors to make payment of the revenue to the treasurer of State and fixing the time for paying the State revenue to said treasurer on the first day of January in each year.

Mr. Bennett moved to amend, by striking out the first day of January and inserting "second Monday in January,"

Which amendment was adopted.

The resolution as amended was then adopted.

On motion of Mr. Lane,

Resolved, That the committee on the judiciary be and they are hereby requested to inquire and report to this House, whether in their opinion the fund commissioners and the president of the State bank of Indiana are not legally and personally liable to the State for all State bonds sold upon credit to irresponsible persons or companies, or otherwise.

Mr. Woodard, on leave granted, presented the annual report of the Hanover College; which

On motion of Mr. Edmonson,

Was referred to the committee on education.

On motion of Mr. Dunn,

Ordered, That one hundred copies be printed for the use of the House.

Mr. Hull introduced

No. 115, a joint resolution in relation to the pay of members;

Mr. Bowles introduced

No. 116, a joint resolution in relation to the coining of gold dollars, &c.

Mr. White introduced

No. 117, a bill concerning a school section in Tippecanoe county;

Which were severally read and passed to a second reading.

Mr. McCoy moved to dispense with the previous orders of the day and take up bill of the House, No. 1, to abolish imprisonment for debt;

Which motion was decided in the affirmative.

The bill was then taken up; and the amendments made in committee of the whole were concurred in by the House.

Mr. Finch moved that the bill be laid upon the table;

Which motion was decided in the negative.

The question now concurring on the passage of the bill,

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Allison, Arnold, Bell, Berkshire, Bowles, Buckles, Butler, Campbell, Clark, Coats, Cogswell, Conaway, Cutter, Davis, Eccles, English, Everts, Farley, Fisher, Fitch, Flint, Frisbie, Garrigus, Gardner, Hamer, Hamblen, Henly, Herriman, Hull, Hunt of J., Hunt of R., Jenckes, Lane, Lancaster, Lanius, Long, McCormack, McCoy, Milroy, Monroe, Montgomery, Moore of O., Morgan, Morrison, O'Neill, Osborn of C., Osborn of F., Osborn of U., Perry, Porter, Rippey, Robinson of Rush, Shields, Shiveley, Southard, Spann, Stewart, Warriner, White, Wilson of W. and Worster—62.

Those who voted in the negative were:

Messrs. Atherton, Baker, Beckett, Bennett, Burke, Carleton of F., Carlton of L., Cooper, Cox, Dunn, Edmonson, Finch, Foster, Haddon, Jackson, Jamison, Johnson, Jones, Judah, Lee, McGaughey, Miller, Moore of V., Nelson of B., Nelson of M., Parker, Perviance, Robinson of J., Robinson of Ripley, Rush, Sands, Sweetser, Thompson, Wheeler, Wilson of M., Woodard, Zenor and Mr. Speaker—38.

So said bill passed.

Ordered, That Mr. Cutter inform the Senate thereof.

On motion,

The House adjourned until two o'clock, P. M.

Two o'clock P. M.

The House met pursuant to adjournment.

Mr. Bowles made the following report:

MR. SPEAKER—

In obedience to a resolution of this House as chairman of the committee on the State Bank.

I beg leave to inform the House that the committee have made no contract for the employment of a clerk. Mr. Baldwin has rendered some service to the committee as clerk, with an understanding that the committee would ask leave of the House to employ a clerk.

Mr. Bowles, on leave granted, introduced the following resolution:

Resolved, That the committee on the State bank be permitted to employ a clerk;

And the ayes and noes being requested thereon by Messrs. Judah and

Those who voted in the affirmative were:

Messrs. Albertson, Allison, Bowles, Carlton of L., Coats, Cogswell, Conaway, Cutter, Davis, Eccles, Edmonson, English, Everts, Fisher, Fitch, Foster, Frisbie, Garrigus, Gardner, Hen-ly, Hull, Hunt of J., Lane, Lancaster, Lanius, Lee, McCormack, McCoy, Milroy, Monroe, Moore of O., Moore of V., Nelson of B., Osborn of M., Perry, Porter, Robinson of Rush, Sands, Shiveley, Southard, Spann, Stewart, Wariner, Wheeler, White, Wilson of W., and Mr. Speaker—47.

Those who voted in the negative were:

Messrs. Arnold, Atherton, Baker, Beckett, Bell, Bennett, Berkshire, Buckles, Burke, Butler, Campbell, Carleton of F., Clark, Cooper, Cox, Dunn, Farley, Finch, Flint, Haddon, Hamer, Hamblen, Hunt of R., Jackson, Jamison, Jenckes, Jones, Judah, Long, Miller, Montgomery, Morgan, Morrison, O'Neill, Osborn of C., Osborn of F., Parker, Perviance, Rippey, Robinson of J., Robinson of Ripley, Rush, Shields, Sweetser, Thompson, Wilson of M., Woodard, Worster and Zenor—49.

So said resolution was not adopted.

Mr. Robinson of J. moved that bill

No. 45, a bill to amend an act subjecting real and personal estate to execution, approved February 4, 1831, be taken from the table;

Which motion was decided in the affirmative.

Mr. Cutter moved to commit the bill to a committee of the whole House and make it the order of the day for the present time;

Which motion was decided in the affirmative.

The House then, according to order, resolved itself into a committee of the whole on said bill, Mr. Bowles in the chair, and after some time spent therein the committee rose, with a request for leave to sit again;

Which leave was granted by the House.

A message from the Senate by Mr. Test their Secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed bills of the House, viz:

No. 38, an act to authorize the election of a justice of the peace and constable in the town of Fredericksburgh in the county of Washington.

No. 53, an act for the relief Julia Sims.

Each without amendment.

On motion,

The House adjourned until to-morrow morning at nine o'clock.

TUESDAY MORNING, JANUARY 7, 1840.

The House met pursuant to adjournment,

The Speaker laid before the House the report of the chief engineer, on the propriety of creating wooden locks, at the grand rapids of the Wabash river, &c.; which,

On motion of Mr. Judah,

Was referred to the committee on canals and internal improvements and five hundred copies ordered to be printed for the use of the House.

The Speaker laid before the House a report from the State Board of internal improvement, in relation to the northern termination of the Central canal; which.

On motion of Mr. Wilson of M.,

Was referred to the committee on canals and internal improvements, and one hundred copies ordered to be printed for the use of the House.

Mr. Shiveley presented the petition of sundry citizens of Grant county in relation to the election of a treasurer of said county, by the people;

Which was referred to the committee of ways and means.

Mr. Shiveley presented two several remonstrances from citizens of Wabash county, against any change in the boundaries of said county, with a view of the formation of a new county;

Which were referred to the committee on the judiciary.

Mr. Miller presented three several remonstrances against a petition in reference to the county boundary between Warrick and Gibson counties; also to settle a certain boundary;

Which were referred to the same select committee heretofore appointed on that subject.

Mr. Osborn of Clay presented the petition of John Wheeler praying that John Tipton Wheeler, a minor, be authorized to convey certain real estate;

Which was referred to a select committee of Messrs. Osborn of Clay, Jenckes and Davis.

Mr. Long made the following report:

MR. SPEAKER—

The committee on ways and means to whom was referred a resolution directing them to report a bill to the House repealing an act to provide for an examination and report of the mineral resources of the State, and for other purposes, have had the same under consideration. The committee first turned their attention to the law directed to be repealed, and on examination found that the State Geologist directed to be appointed was only for the term of one year which time is so nearly expired and there being no Geologist appointed by the Governor in accordance to the provisions of the law, and that the provisions of the act referred to cannot be enforced after the expiration of one year from its passage, which was the 18th day of February, 1839; your committee are therefore of opinion that legislation on that subject is not necessary and ask to be discharged from the further consideration.

The report of the committee was concurred in and the committee discharged accordingly.

Mr. Jamison made the following report:

MR. SPEAKER—

The committee on the Judiciary, to whom was referred a resolution of the House, requiring said committee to inquire into the expe-

diency and propriety of so amending the laws regulating distribution and dower to widows, that the exclusive allowance to any widow, out of the personal estate by her deceased husband may be in proportion to the number of children of such decedents at the time of his death which she has to support, have had the same under consideration and instructed me to report, that it is inexpedient to legislate upon that subject.

The report of the committee was concurred in and the committee discharged accordingly.

Mr. Finch made the following report:

MR. SPEAKER—

The committee on the judiciary have had under their consideration a resolution directing an inquiry into the expediency of "passing a law that if any person shall voluntarily go before the grand jury of any county in this State and cause any person to be indicted upon the final hearing and investigation of which it shall appear to the satisfaction of the judges of the respective courts, that such indictments were found without probable cause, the prosecuting witness shall be held liable for cost at the discretion of the judges of said county," and have directed me to report: That they deem any alteration of the existing law on that subject unnecessary, and inexpedient.

Because in the opinion of the committee the number of voluntary prosecutions without probable cause is not so great as to require legislative interference of the character contemplated in the resolution, nor are they so frequent as to be matter of serious complaint.

That a law such as the resolution contemplates, would have no tendency to prevent the number of voluntary prosecutions, however unfounded, but would exert a powerful influence upon prosecuting witnesses in all cases to procure conviction in every case for their own exculpation. Thereby holding out an inducement to the commission of perjury, and aggravating rather than lessening the malice and virulence of the prosecuting witnesses.

That already too many persons are interested in the conviction of the accused party, and were the prosecuting witnesses made liable as the resolution contemplates, an impartial trial, especially in trivial cases, could scarcely ever be obtained for the defendant.

That already the right of the citizens are amply secured against malicious prosecutions by the redress which the law gives in every such case to the injured party, by a civil action, in which he may recover for the full amount of injury sustained through the malice of his oppressor.

This remedy the committee think abundantly sufficient to suppress the evil.

They therefore ask to be discharged from the further consideration of the subject.

The report was concurred in and the committee discharged accordingly.

Mr. Jones made the following report:

MR. SPEAKER—

The committee on corporations, to whom was referred the petition of J. B. Beeler and others, on the subject of a bridge over Anderson's river, have had the same under consideration, and directed me to report the following bill, to wit:

No. 118, a bill to incorporate the Anderson river bridge company;

Which was read a first time and passed to a second reading on tomorrow.

On motion of Mr. Burke,

Resolved, That when any member asks leave to record his vote, on any question taken in his absence, and leave being granted, that it be made a matter of record on the Journal.

On motion of Mr. Finch,

Resolved, That the committee on the judiciary be instructed to inquire whether any amendment be necessary to the "act for the appointment of county surveyors and their deputies," and should the committee find any amendment necessary that they report a bill amending the said act accordingly, as far as relates to the appointment and fees of said surveyors and their deputies.

On motion of Mr. Robinson of Ripley,

Resolved, That the judiciary committee be instructed to inquire into the expediency of so amending the probate act, as to authorise executors or administrators to take proof of any claim presented to them in vacation, against the estate of the decedent they represent, and of authorising said executor or administrator to administer all oaths necessary, in taking said proof, and that they report by bill or otherwise.

Mr. Miller moved to insert appraisers.

Which motion was decided in the negative.

The resolution was then adopted.

On motion of Mr. Cutter,

Resolved, That the committee on agriculture be instructed to inquire, if any amendment is necessary to the law, regulating the powers and defining the duties of inspectors of flour, pork, beef, &c., with leave to report by bill or otherwise.

On motion of Mr. Morgan,

Resolved, That the judiciary committee be instructed to inquire, whether the public interest would sustain any material injury on the rights of the parties litigant, be in any degree jeopardized, by so changing the law, in relation to summoning and empannelling jurors, as to require but one panel of petit jurors for each week of each term of any circuit court; and whether, by such change our county expenditures might not be retrenched to the amount of many thousand dollars in the aggregate.

Mr. Fisher moved for adoption the following resolution:

Resolved, That a select committee of five be appointed, to inquire into the expediency of appropriating the three per cent. fund, and other funds of the State, to the benefit of the counties which have heretofore been excluded from appropriations, for internal improvements.

Mr. Miller moved to lay the resolution on the table,

And the ayes and noes being requested thereon, by Messrs. Albertson and Edmonson,

Those who voted in the affirmative were:

Messrs. Allison, Atherton, Baker, Bell, Berkshire, Campbell, Carleton F., Cooper, Cox, Cutter, Farley, Finch, Flint, Herriman, Hull, Hunt of J., Jackson, Jenckes, Johnson, Lancaster, Lee, McCormack, M'Gaughey, Miller, Monroe, Montgomery, Morrison, Nelson of M., O'Neill, Osborn of C. Osborn of F., Parker, Perviance, Rippey, Robinson of J., Rush, Shiveley, Spann, Stewart, Thompson, Woodard—41.

Those who voted in the negative were:

Messrs. Albertson, Arnold, Beckett, Bennett, Bowles, Buckles, Burke, Butler, Carlton of L., Clark, Coats, Cogswell, Conaway, Davis, Dunn, Eccles, Edmonson, English, Everts, Fisher, Fitch, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamer, Hamblen, Henley, Hunt of R., Jamison, Jones, Lane, Lanius, Long, McCoy, Milroy, Moore of V., Morgan, Nelson of B., Osborn of U., Perry, Porter, Robinson of R., Robinson of Rush, Sands, Shields, Southard, Sweetser, Warriner, Wheeler, White, Wilson of M., Wilson of W., Zenor and Mr. Speaker—57.

So said resolution was not laid on the table.

Mr. Bowles moved to amend, so as to change the reference of the resolution from a "select committee" to the standing "committee on roads;"

And the ayes and noes being requested thereon, by Messrs. Sands and Bennett,

Those who voted in the affirmative were:

Messrs. Allison, Arnold, Atherton, Baker, Bell, Bowles, Buckles, Burke, Butler, Campbell, Carleton of F., Cogswell, Cooper, Cox, Cutter, Eccles, Everts, Farley, Finch, Flint, Hamer, Hamblen, Herriman, Hull, Hunt of J., Jackson, Jenckes, Johnson, Lancaster, Lee, Long, McCormack, M'Gaughey, Miller, Monroe, Moore of O., Morrison, Nelson of M., O'Neill, Osborn of C., Parker, Perviance, Rippey, Robinson of J., Rush, Shiveley, Spann, Stewart, Sweetser, Wilson of M. and Woodard—52.

Those who voted in the negative were:

Messrs. Albertson, Beckett, Bennett, Berkshire, Carlton of L., Clark, Coats, Conaway, Davis, Dunn, Edmonson, English, Fisher, Fitch, Foster, Frisbie, Garrigus, Gardner, Haddon, Henley, Hunt of R., Jamison, Jones, Lane, Lanius, McCoy, Milroy, Montgomery, Moore of V., Morgan, Nelson of B., Osborn of F., Osborn of U., Perry, Porter, Robinson of Ripley, Robinson of Rush, Sands, Shields, Southard, Warriner, Wheeler, White, Wilson of W., Worster, Zenor and Mr. Speaker—47.

So said amendment was adopted.

Mr. Fisher now moved to lay the resolution on the table,

And the ayes and noes being requested thereon by Messrs. Sweetser and

Those who voted in the affirmative were:

Messrs. Atherton, Beckett, Bell, Campbell, Carleton of F., Carlton of L., Coats, Cogswell, Conaway, Cooper, Cox, Cutter, Edmonson, Everts, Fisher, Herriman, Hull, Hunt of J., Jamison, Jenckes, Johnson, Lanius, Lee, McCormack, McGaughey, Miller, Monroe, Montgomery, Morrison, O'Neill, Osborn of C., Osborn of F., Osborn of U., Perry, Rippey, Robinson of J., Robinson of Ripley, Shiveley, Southard, Stewart, White, Wilson of M. and Wilson of W.—43.

Those who voted in the negative were:

Messrs. Albertson, Allison, Arnold, Baker, Bennett, Berkshire, Bowles, Buckles, Burke, Butler, Clark, Davis, Dunn, Eccles, English, Farley, Finch, Fitch, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamer, Hamblen, Henly, Jackson, Jones, Lane, Lancaster, Long, McCoy, Milroy; Moore of O., Moore of V., Morgan, Nelson of B., Nelson of M., Parker, Perviance, Porter, Robinson of Rush, Rush, Sands, Shields, Spann, Sweetser, Thompson, Warriner, Wheeler, Woodard, Worster, Zenor and Mr. Speaker—53.

So said resolution was not laid upon the table.

Mr. Hamblen moved to reconsider the vote on changing the reference of the resolution from a select to the standing committee on roads.

Previous to any question being taken thereon,

The House adjourned until two o'clock, P. M.

Two o'clock, P. M.

The House met pursuant to adjournment.

Mr. Long, on leave, presented the petition of Wm. Wines & Co., James B. Matlock and others, contractors on the public works in Indiana, praying relief; which,

On motion of Mr. Long,
Was laid upon the table.

The House now proceeded to the consideration of the question pending when the House adjourned, to-wit: the re-consideration of the vote changing the reference of the resolution offered by Mr. Fisher from a "select" to the standing committee on roads,

And the ayes and noes being requested thereon by Messrs. Moore of O. and Bennett,

Those who voted in the affirmative were:

Messrs. Albertson, Beckett, Bennett, Campbell, Carlton of L., Clark, Coats, Conaway, Davis, Dunn, Edmonson, English, Fisher, Fitch, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamblen, Henley, Hunt of R., Jamison, Jones, Lane, Lanius, McCoy, Milroy, Montgomery, Moore of V., Morgan, Nelson of M., Osborn of F., Osborn of U., Perry, Robinson of J., Robinson of Ripley, Robinson of Rush, Sands, Shields, Southard, Stewart, Warriner, Wheeler, White, Wilson of W., Worster, Zenor and Mr. Speaker—49.

Those who voted in the negative were:

Messrs. Allison, Arnold, Atherton, Baker, Bell, Berkshire, Bowles, Buckles, Burke, Butler, Carleton of F., Cogswell, Cooper, Cox, Eccles, Everts, Farley, Finch, Hamer, Herriman, Hull, Hunt of J., Jackson, Jenckes, Johnson, Lancaster, Lee, Long, McCormack, McGaughey, Miller, Moore of O., Morrison, Nelson of B., O'Neill, Osborn of C., Parker, Perviance, Porter, Rippey, Rush, Shiveley, Spann, Sweetser, Thompson, Wilson of M. and Woodard—47.

So said vote was reconsidered.

The question recurring on changing the reference from a select to the standing committee on roads,

Mr. Miller moved to lay the resolution and proposed amendment upon the table,

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Allison, Arnold, Atherton, Baker, Bell, Berkshire, Bowles, Buckles, Burke, Butler, Campbell, Carleton of F., Cogswell, Cooper, Cox, Eccles, Everts, Farley, Finch, Herriman, Hull, Hunt of J., Jackson, Jenckes, Johnson, Judah, Lancaster, Lee, McCormack, McGaughey, Miller, Milroy, Moore of O., O'Neill, Osborn of C., Parker, Perviance, Porter, Rippey, Rush, Shiveley, Spann, Sweetser, Thompson, and Wilson of M.—46.

Those who voted in the negative were:

Messrs. Albertson, Beckett, Bennett, Carlton of L., Clark, Coats, Conaway, Davis, Dunn, Edmonson, English, Fisher, Fitch, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamer, Hamblen, Henley, Hunt of R., Jamison, Jones, Lane, Lanius, Long, McCoy, Montgomery, Moore of V., Morgan, Morrison, Nelson of B., Nelson of M., Osborn of F., Osborn of U., Perry, Robinson of J., Robinson of Ripley, Robinson of Rush, Sands, Shields, Southard, Stewart, Warriner, Wheeler, White, Wilson of W., Woodard, Worster, Zenor and Mr. Speaker —52.

So the House refused to lay the resolution on the table.

Mr. Moore of O. moved that the resolution and amendment be indefinitely postponed,

And the ayes and noes being requested thereon by Messrs. Jones and Edmonson,

Those who voted in the affirmative were:

Messrs. Allison, Atherton, Baker, Bell, Berkshire, Bowles, Buckles, Burke, Butler, Campbell, Carleton of F., Cogswell, Cooper, Cox, Cutter, Eccles, Everts, Farley, Finch, Herriman, Hull, Hunt of J., Jackson, Jenckes, Johnson, Lancaster, Lee, Long, McCormack, McGaughey, Miller, Moore of O., Nelson, of M., O'Neill, Osborn of C., Parker, Perviance, Porter, Rippey, Shiveley, Spann, Stewart, Sweetser, Thompson and Wilson of M.—45.

Those who voted in the negative were:

Messrs. Albertson, Arnold, Beckett, Bennett, Carlton of L., Clark, Coats, Conaway, Davis, Dunn, Edmonson, English, Fisher, Fitch, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamer, Hamblen, Henley, Hunt of R., Jamison, Jones, Lane, Lanius, McCoy, Milroy, Montgomery, Moore of V., Morgan, Morrison, Nelson of B., Osborn of F., Osborn of U., Perry, Robinson of J., Robinson of Ripley, Robinson of Rush, Rush, Sands, Shields, Southard, Warriner, Wheeler,

White, Wilson of W., Woodard Worster, Zenor and Mr. Speaker—52.

So the resolution was not indefinitely postponed.

The question recurring on Mr. Bowles' amendment, striking out "select" and inserting standing committee on roads;

And the ayes and noes being requested thereon, by Messrs. Fisher and Edmonson,

Those who voted in the affirmative were:

Messrs. Allison, Arnold, Atherton, Baker, Bell, Berkshire, Bowles, Burke, Butler, Campbell, Carleton of F., Cogswell, Cooper, Cox, Cutter, Eccles, Everts, Farley, Finch, Flint, Hamer, Herriman, Hull, Hunt of J., Jackson, Jenckes, Johnson, Judah, Lancaster, Lee, Long, McCormack, McGaughey, Miller, Monroe, Moore of O., Morrison, O'Neill, Osborn of C., Parker, Perviance, Porter, Rippey, Rush, Seiveley, Spann, Sweetser, Thompson, Wilson of M. and Woodard—50.

Those who voted in the negative were:

— Messrs. Albertson, Beckett, Bennett, Buckles, Carlton of L., Clark, Coats, Conaway, Davis, Dunn, Edmonson, English, Fisher, Fitch, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamblen, Henley, Hunt of R., Jamison, Jones, Lane, Lanius, McCoy, Milroy, Montgomery, Moore of V., Morgan, Nelson of B., Nelson of M., Osborn of F., Osborn of U., Perry, Robinson of J., Robinson of Ripley, Robinson of Rush, Sands, Shields, Southard, Stewart, Warriner, Wheeler, White, Wilson of W., Worster, Zenor and Mr. Speaker—50.

So said amendment was not adopted.

Mr. Long moved to strike out of the resolution, offered by Mr. Fisher, the words, "and other funds."

Pending which question,

On motion,

The House adjourned until Thursday morning at nine o'clock.

THURSDAY MORNING, JANUARY 9, 1840.

The House met pursuant to adjournment.

Mr. Butler moved to dispense with the previous orders of the day and take from the table, bill No. 75, for the immediate relief of contractors and others engaged on the public works;

And the ayes and noes being requested thereon by Messrs. Parker and Bennett,

Those who voted in the affirmative were:

Messrs. Albertson, Allison, Arnold, Atherton, Baker, Beckett, Bell, Bennett, Berkshire, Bowles, Buckles, Burke, Butler, Carleton of F., Carlton of L., Clark, Coats, Conaway, Cooper, Cox, Cutter, Davis, Dunn, Eccles, Edmonson, English, Everts, Farley, Finch, Fisher, Fitch, Flint, Foster, Frisbie, Garrigus, Haddon, Hamer, Hamblen, Henley, Herriman, Hull, Hunt of R., Jackson, Jamison, Jenckes, Johnson, Judah, Lane, Lancaster, Lanius, Lee, Long, McCormack, McCoy, McGaughey, Miller, Milroy, Monroe, Moore of V., Morgan, Morrison, Nelson of B., Nelson of M., O'Neill, Osborn of C., Osborn of F., Osborn of U., Parker, Perviance, Porter, Rippey, Robinson of J., Robinson of Ripley, Robinson of Rush, Rush, Sands, Shields, Shiveley, Southard, Spann, Stewart, Sweetser, Thompson, Warriner, Wheeler, White, Wilson of M., Wilson of W., Woodard, Wors-ter, Zenor and Mr. Speaker—90.

Those who voted in the negative were:

Messrs. Jones and Montgomery—2.

So the previous orders of the day were dispensed with and the bill taken up.

The pending question being, on concurring in the amendment made by the select committee, on the foregoing bill.

Mr. Fitch moved to amend the amendment by striking out the words in the 5th section, to-wit:

“Said Treasury notes shall be receivable in payment of all principal due or to become due on the sale of the Wabash and Erie canal lands,” and inserting the following amendment, to-wit:

“Two hundred and fifty thousand dollars of said notes, to be made receivable in payment of principal now due or to become due on the sale of Wabash and Erie canal lands; such notes to that amount to be applied for payment of contractors on the Wabash and Erie canal and completion of that canal; which notes, to that amount, shall be distinguished on their face, as receivable in such lands.”

Mr. Sweetser moved to commit the bill and amendments to a committee of the whole House and make it the order of the day for this day, now;

And the ayes and noes being requested thereon, by Messrs. Parker and Bennett,

Those who voted in the affirmative were:

Messrs. Arnold, Bell, Conaway, Cox, English, Finch, Fisher, Hamblen, Henley, Hunt of J., Jenckes, Lanius, Milroy, Montgomery, Robison of J., Shields, Sweetser, and Wilson of W.—18.

Those who voted in the negative were:

Messrs. Albertson, Allison, Atherton, Baker, Beckett, Bennett, Berkshire, Bowles, Buckles, Burke, Butler, Carleton of F., Carlton of L., Clark, Coats, Cogswell, Cooper, Cutter, Davis, Dunn, Eccles, Edmonson, Everts, Farley, Fitch, Flint, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamer, Herriman, Hull, Hunt of R., Jackson, Jamison, Johnson, Jones, Judah, Lane, Lancaster, Lee, Long, McCormack, McCoy, McGaughey, Miller, Monroe, Moore of O., Moore of V., Morgan, Morrison, Nelson of B., Nelson of M., O'Neill, Osborn of C., Osborn of F., Osborn of U., Parker, Perry, Perviance, Porter, Rippey, Robinson of Ripley, Robison of Rush, Rush, Sands, Shiveley, Southard, Spann, Stewart, Thompson, Warriner, Wheeler, White, Wilson of M., Woodard, Worster, Zenor and Mr. Speaker—81.

So the bill was not committed to a committee of the whole.

The question recurring on the amendment to the amendment of the select committee, made by Mr. Fitch.

Mr. Parker called for a division of the question on striking out.

Before the question was taken,

On motion,

The House adjourned until two o'clock P. M.

Two o'clock, P. M.

The House met pursuant to adjournment.

The Speaker laid before the House a communication from Samuel Merrill, Esq., transmitting 1st, "A report from the President of the State Bank;" 2d. "A copy of an agreement with the Morris canal and banking company of April 24th," and 3rd. "A copy of an agreement with same," in relation to a sale of Indiana State bonds to said institution; which

Were referred to the select committee heretofore appointed on the subject of the funds of the State; and

On motion,

Five hundred copies were ordered to be printed.

The House now resumed the consideration of the pending question, at the last adjournment—being, the motion of Mr. Fitch, to amend the amendment of the select committee to bill No. 75, for the immediate relief of contractors and others engaged on the public works.

The question being, (on a division of the question,) shall the words proposed be stricken out?

And the ayes and noes being requested thereon by Messrs. Long and Parker,

Those who voted in the affirmative were:

Messrs. Bowles, Clark, Conaway, Davis, Dunn, Edmonson, Fisher, Fitch, Frisbie, Garrigus, Gardner, Haddon, Hamblen, Henley, Jones, Lane, Lanius, McCoy, Milroy, Montgomery, Moore of V., Nelson of M., O'Neill, Perry, Perviance, Porter, Sands, Shiveley, Southard, Sweetser, Wheeler, White, Wilson of M., Wilson of W. and Mr. Speaker—35.

Those who voted in the negative were:

Messrs. Albertson, Allison, Arnold, Atherton, Baker, Beckett, Bell, Bennett, Berkshire, Buckles, Burke, Butler, Campbell, Carleton of F., Carlton of L., Coats, Cogswell, Cooper, Cox, Cutter, Eccles, English, Everts, Farley, Finch, Flint, Foster, Hamer, Herriman, Hull, Hunt of J., Hunt of R., Jackson, Jamison, Jenckes, Johnson, Judah, Lancaster, Lee, Long, McCormack, McGaughey, Miller, Monroe, Moore of O., Morgan, Morrison, Nelson of B., Osborn of C., Osborn of F., Osborn of U., Parker, Rippey, Robinson of J., Robinson of Ripley, Robinson of Rush, Rush, Shields, Spann, Stewart, Thompson, Warriner, Woodard, Worster and Zenor—65.

So the House refused to strike out.

Mr. Wilson of M. moved to amend the amendment, in the 1st section, by adding “and for the completion of the Wabash and Erie canal”—referring to an addition to the notes to be issued above the amount necessary to pay contractors, &c., for that purpose.

And the ayes and noes being requested thereon by Messrs. Butler and Albertson,

Those who voted in the affirmative were:

Messrs. Arnold, Atherton, Dunn, Fitch, Jones, Milroy, Nelson of M., O'Neill, Perviance, Porter, Rippey, Shiveley, Southard, Sweetser, Thompson, Wheeler, White, Wilson of M., Wilson of W., —19.

Those who voted in the negative were:

Messrs. Albertson, Allison, Baker, Beckett, Bell, Bennett, Berkshire, Bowles, Buckles, Burke, Butler, Campbell, Carleton of F., Carlton of L., Clark, Coats, Cogswell, Conaway, Cooper, Cox, Cutter, Davis, Eccles, Edmonson, English, Everts, Farley, Finch, Fisher, Flint, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamer, Hamblen, Henley, Herriman, Hull, Hunt of J., Hunt of R., Jackson, Jamison, Jenckes, Johnson, Judah, Lane, Lancaster, Lanius, Lee, Long, McCormack, McCoy, M'Gaughey, Miller, Monroe, Moore of O., Moore of V., Morgan, Morrison, Nelson of B., Osborn of C., Osborn of F., Osborn of U., Parker, Perry, Robinson of J., Robinson of R., Robinson of Rush., Rush, Sands, Shields, Spann, Stewart, Warriner, Woodard, Worster, Zenor, and Mr. Speaker—80.

So said amendment was not adopted.

Mr. Lane moved further to amend by adding, at the end of the fourth section the following:

“And be it further provided, That in all cases intended to be included in this act, it shall be at the election of any contractor or other person, to receive in payment of his or their claim, or any part thereof, treasury notes at par, to be issued as aforesaid, or to receive ten per centum per annum, upon the whole or any part of the amount due, upon his or their certificate, from the date thereof until paid, whether that certificate shall have been given by the engineer or board of Internal Improvement.”

And the ayes and noes being requested thereon, by Messrs. Bowles and Allison,

Those who voted in the affirmative were:

Messrs. Albertson, Arnold, Atherton, Buckles, Carleton of F., Carlton of L., Clark, Cogswell, Cutter, Davis, Eccles, Everts, Fitch, Herriman, Hunt of J., Jackson, Jenckes, Johnson, Lane, Lancaster, Lee, Long, McCormack, McCoy, Milroy, Monroe, Morrison, Nelson of M., Osborn of U., Parker, Rush, Thompson, Wilson of M., Wilson of W., Woodard and Zenor—35.

Those who voted in the negative were:

Messrs. Allison, Baker, Beckett, Bell, Bennett, Berkshire, Bowles, Burke, Butler, Campbell, Coats, Conaway, Cooper, Cox, Dunn, Edmonson, English, Farley, Finch, Fisher, Flint, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamer, Hamblen, Henley, Hull, Hunt of R., Jamison, Jones, Judah, Lanius, M'Gaughey, Miller, Montgomery, Moore of O., Moore of V., Morgan, Nelson of B., O'Neill, Osborn of C., Osborn of F., Perry, Perviance, Porter, Rippey, Robinson of J., Robinson of Ripley, Robinson of Rush, Sands, Shields, Shiveley, Southard, Spann, Stewart, Sweetser, Warriner, Wheeler, White, Worster, and Mr. Speaker—64.

So said amendment was not adopted.

Mr Cutter moved to amend by adding the following as an additional section, to wit:

"Sec. 8, That the Auditor and Treasurer of State and Fund Commissioners shall, upon the reception of said Treasury notes, forthwith execute bonds, as additional security to the State, conditioned for the safe and punctual discharge of the additional duty imposed upon them, by the provisions of this act; said bonds to be executed and approved, in the same manner as their original bonds of office,"

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Allison, Arnold, Atherton, Baker, Beckett, Bell, Bennett, Berkshire, Buckles, Burke, Butler, Campbell, Carleton of F., Carlton of L., Clark, Cogswell, Conaway, Cutter, Cox, Davis, Dunn, Eccles, Edmonson, English, Everts, Farley, Finch, Fisher, Fitch, Flint, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamer, Hamblen, Henley, Herriman, Hull, Hunt of J., Hunt of R., Jackson, Jamison, Jenckes, Johnson, Jones, Judah, Lane, Lancaster, Lanius, Lee, Long, McCormack, McCoy, McGaughey, Miller, Milroy, Monroe, Montgomery, Moore of O., Moore of V., Morgan, Morrison, Nelson of B., Nelson of M., O'Neill, Osborn of C., Osborn of F., Osborn of U., Parker, Perry, Perviance, Porter, Rippey, Robinson of J., Robinson of Ripley, Robinson of Rush, Rush, Sands, Shields, Shiveley, Southard, Spann, Stewart, Sweetser, Thompson, Warriner, White, Wilson of M., Wilson of W., Woodard, Worster, Zenor and Mr. Speaker—93.

Those who voted in the negative were:

Messrs. Bowles, Coats, and Cooper—3.

So said amendment was adopted.

Mr. Parker moved to amend the amendment by adding the following as an additional section, to wit:

"Sec. 8. This act to take effect and be in force, in each county in the State, from and after a printed copy of the same may be filed in such county; and the Secretary of State is hereby directed to have a copy of this act forwarded, as speedily as possible to each of the clerks of these several Circuit Courts, for filing as aforesaid."

On the question, shall the amendment be adopted? it was decided in the affirmative.

Mr. Bowles moved to amend the 5th section of the amendment, by striking out these words "receivable in payment of all principal due or to become due, on the sale of the Wabash and Erie canal lands, &c.," and insert the following: "be receivable in payment for taxes and all other claims in favor of the State.

Before any question was taken on said amendment,

On motion,

The House adjourned until to-morrow morning at nine o'clock.

FRIDAY MORNING, JANUARY 10, 1840.

The House met pursuant to adjournment;

On the several motions of Messrs. Osborn of F., and Shields, they had leave to record their votes in favor of taking up the bill for the immediate relief of contractors and others on the public works, on the journal of yesterday.

Mr. Bennett moved to postpone the previous orders of the day and take up bill No. 75, for the immediate relief of contractors and others engaged on the public works;

Which motion was decided in the affirmative.

The question pending at the adjournment on yesterday, being on Mr. Bowles' amendment.

Mr. Berkshire called for a division of the question,

Mr. Cutter moved to recommit the bill and amendments to a select committee of Messrs. Long, Lane, Sweetser, White, Parker, Bowles and Jamison, with instructions to report a bill instant.

Mr. Moore of O. moved to amend the instructions to the committee, to incorporate in the provisions of the bill the following amendment, to wit:

"That all the officers of State, of every description, and members of the Legislature shall receive the said Treasury notes for their services, or wait two years for their pay."

Mr. Sweetser moved to commit the bill and amendments to a committee of the whole and make them the order of the day for the present time;

Which motion was decided in the negative.

The question recurring on recommitting the bill to a select committee, it was decided in the negative.

The question again recurring on the motion to strike out,

Mr. Long moved to amend that portion of the bill proposed to be stricken out by inserting the following:—that the treasury notes shall be received for State revenue after the present year.

And the ayes and noes being requested thereon, by Messrs. Moore of O. and Bowles,

Those who voted in the affirmative were:

Messrs. Baker, Beckett, Bell, Berkshire, Clark, Coats, Cooper, Cox, Flint, Foster, Garrigus, Hamer, Hull, Jackson, Jenckes, Lancaster, Long, Montgomery, Osborn of F., Parker, Rush, Thompson and Woodard—23.

Those who voted in the negative were:

Messrs. Albertson, Allison, Arnold, Atherton, Bennett, Bowles,
31h

Buckles, Burke, Butler, Campbell, Carleton of F., Carlton of L., Cogswell, Conaway, Cutter, Davis, Dunn, Eccles, Edmonson, English-Everts, Farley, Finch, Fisher, Fitch, Jones, Lane, Lanius, Lee, McCormack, McCoy, McGaughey, Miller, Milroy, Monroe, Moore of O., Moore of V., Morgan, Morrison, Nelson of B., Nelson of M., O'Neill, Osborn of C., Osborn of U., Perry, Perviance, Porter, Rippey, Robinson of Ripley, Robinson of Rush, Sands, Shields, Shiveley, Southard, Spann, Stewart, Sweetser, Warriner, Wheeler, White, Wilson of M., Wilson of W., Worster, Zenor and Mr. Speaker—72.

So said amendment was not adopted.

The question again recurring on the motion of Mr. Berkshire to strike out,

And the ayes and noes being requested thereon. by Messrs. Bowles and Lane,

Those who voted in the affirmative were:

Messrs. Albertson, Allison, Arnold, Atherton, Bell, Bennett, Bowles, Burke, Carleton of F., Carlton of L., Cogswell, Dunn, Eccles, Edmonson, English, Fisher, Fitch, Foster, Frisbie, Gardner, Haddon, Hamer, Hamblen, Henley, Herriman, Hunt of J., Hunt of R., Johnson, Jones, Lane, Lanius, Lee, McCormack, McCoy, McGaughey, Miller, Milroy, Monroe, Montgomery, Moore of O., Moore of V., Morgan, Morrison, Nelson of B., Nelson of M., O'Neill, Osborn of C., Osborn of F., Osborn of U., Perry, Perviance, Porter, Rippey, Robinson of Rush, Sands, Shields, Shiveley, Southard, Spann, Stewart, Thompson, Warriner, White, Wilson of M., Wilson of W., Worster, Zenor and Mr. Speaker—70.

Those who voted in the negative were:

Messrs. Baker, Beckett, Berkshire, Buckles, Butler, Campbell, Clark, Coats, Cooper, Cox, Cutter, Everts, Farley, Finch, Flint, Garrigus, Hull, Jackson, Jamison, Jenckes, Lancaster, Long, Parker, Robinson of R., Rush, Sweetser, Wheeler and Woodard—27.

So the words proposed in Mr. Bowles' amendment, were stricken out.

The question recurring on the insertion of the words proposed in Mr. Bowles amendment,

And the ayes and noes being requested thereon, by Messrs. Lane and Butler,

Those who voted in the affirmative were:

Messrs. Albertson, Allison, Arnold, Atherton, Bell, Bennett, Bowles, Burke, Butler, Carlton of L., Cogswell, Conaway, Davis, Dunn, Eccles, Edmonson, English, Everts, Farley, Fisher, Fitch, Foster, Frisbie, Gardner, Haddon, Hamer, Hamblen, Henley, Herriman, Hunt of J., Hunt of R., Jenckes, Johnson, Jones, Lane, Lanius, Lee,

McCormack, McCoy, McGaughey, Miller, Milroy, Monroe, Montgomery, Moore of O., Moore of V., Morgan, Morrison, Nelson of B., Nelson of M., O'Neill, Osborn of C., Osborn of F., Osborn of U., Perry, Perviance, Porter, Rippey, Robinson of Rush, Sands, Shields, Shiveley, Southard, Spann, Stewart, Warriner, White, Wilson of M., Wilson of W., Worster, Zenor and Mr. Speaker—72.

Those who voted in the negative were:

Messrs. Baker, Beckett, Berkshire, Buckles, Campbell, Coats, Cooper, Cox, Cutter, Finch, Flint, Garrigus, Hull, Jackson, Jamison, Judah, Lancaster, Long, Parker, Robinson of Ripley, Rush, Sweetser, Thompson, Wheeler and Woodard—25.

So said amendment was adopted.

Mr. Moore of O. moved to amend, by adding to the bill, the amendment heretofore offered by him, to-wit:

“Said notes shall also be receivable by all the officers of the State of every description; and members of the Legislature shall receive the said Treasury notes for their services, or wait two years for their pay.”

And the ayes and noes being requested thereon by Messrs. Judah and Butler,

Those who voted in the affirmative were:

Messrs. Allison, Baker, Bell, Berkshire, Buckles, Butler, Campbell, Carleton of F., Conaway, Finch, Fitch, Flint, Foster, Herriman, Hull, Hunt of J., Hunt of R., Jackson, Jenckes, Johnson, Jones, Judah, Lanius, Long, McCoy, Montgomery, Moore of O., Morgan, O'Neill, Osborn of C., Osborn of F., Perry, Robinson of J., Robinson of Rush, Shields, Shiveley, Southard, Spann, Sweetser, Thompson, Wheeler, Wilson of M., Woodard, Worster and Mr. Speaker—44.

Those who voted in the negative were:

Messrs. Albertson, Arnold, Atherton, Beckett, Bennett, Bowles, Burke, Carlton of L., Clark, Coats, Cogswell, Cooper, Cox, Cutter, Davis, Dunn, Eccles, Edmonson, English, Everts, Farley, Fisher, Frisbie, Garrigus, Gardner, Haddon, Hamer, Hamblen, Henley, Jamison, Lane, Lancaster, Lee, McCormack, McGaughey, Miller, Milroy, Monroe, Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of U., Parker, Perviance, Rippey, Robinson of Ripley, Rush, Sands, Stewart, White, Wilson of W. and Zenor—54.

So said amendment was not adopted.

Mr. Hull moved to amend the first section, so that three fourths of the amount due contractors shall be issued in treasury notes—one half of the said debt, to be in notes of five dollars, and one fourth of the same to be in amounts of fifty dollars—and “one fourth to be issued

in State bonds of the denomination of one hundred dollars, and redeemable in the city of New York, with six per cent. interest, as soon as funds can be procured for that purpose."

And the ayes and noes being requested thereon,

Those who voted in the affirmative were :

Messrs. Atherton, Buckles and Hull—3.

Those who voted in the negative were :

[Messrs. Albertson, Allison, Arnold, Baker, Beckett, Bell, Bennett, Berkshire, Bowles, Burke, Butler, Campbell, Carleton of F., Carlton of L., Clark, Coats, Cogswell, Conaway, Cooper, Cox, Cutter, Davis, Dunn, Eccles, Edmonson, English, Everts, Farley, Finch, Fisher, Fitch, Flint, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamer, Hamblen, Henley, Herriman, Hunt of J., Hunt of R., Jackson, Jamison, Jenckes, Johnson, Jones, Judah, Lane, Lancaster, Lanius, Lee, Long, McCormack, McCoy, McGaughey, Miller, Milroy, Monroe, Montgomery, Moore of O., Moore of V., Morgan, Morrison, Nelson of B., Nelson of M., O'Neill, Osborn of C., Osborn of F., Osborn of U., Parker, Perry, Perviance, Rippey, Robinson of J., Robinson of Ripley, Robinson of Rush, Rush, Sands, Shields, Shiveley, Southard, Spann, Stewart, Sweetser, Thompson, Warriner, Wheeler, White, Wilson of M., Wilson of W., Woodard, Worster, Zenor and Mr. Speaker—96.

So the amendment was not adopted,

Mr. Cooper moved to amend the 6th section as follows:

"To allow interest on the same, (treasury notes.) up to the first day in December in each year."

On the question, Shall said amendment be adopted? it was decided in the negative.

Mr. Baker moved to amend the amendment, by inserting the following:

"And also, that all moneys received from fund commissioners, for debts due or becoming due to the State, and that the bonds, if sold, to the amount as provided by law, shall be paid over to the treasurer of State, to be paid out for the redemption of said treasury notes, and that said notes shall be received for the payment of Wabash and Erie canal lands."

On the question, Shall said amendment be adopted? it was decided in the negative.

The question again recurring on concurring in the report of the select committee,

Before any action was had thereon,

On motion,

The House adjourned until to-morrow morning at nine o'clock.

SATURDAY MORNING, JANUARY 11, 1840.

The House met pursuant to adjournment.

Mr. Sweetser, on leave granted, made the following report:

MR. SPEAKER--

The committee on corporations, to whom was referred a bill to incorporate the Orange county Female Seminary have had the same under consideration and directed me to report the following as a substitute, to wit:

No. 70, a bill to amend an act entitled "an act incorporating a Seminary in the county of Gibson and for other purposes, approved January 21st, 1826, so far as relates to the county Seminary of the county of Orange.

The report was concurred in, and the bill ordered to be engrossed for a third reading.

Mr. Sweetser, on leave granted, introduced No. 119, a bill to fix the time of holding the courts in the 5th Judicial Circuit;

Which was read a first time and passed to a second reading.

Mr. Flint presented the petition of Lloyd Wedding, in relation to certain land returned as delinquent;

Which was referred to the committee on the judiciary.

The Speaker laid before the House a communication from James Keigwin and others, on the propriety of granting bounty on the production of silk within the State of Indiana;

Which was referred to the committee on agriculture.

Mr. Finch presented the petition of sundry citizens of Johnson county in relation to a change of the mode of assessing and collecting the revenue;

Which was referred to the committee of ways and means.

Mr. Spann presented several petitions and remonstrances on the subject of the Vernon and Rockford State road;

Which were referred to a select committee of Messrs. Spann, Shields and Monroe.

Mr. Morgan presented two several petitions from citizens of Rush and Shelby counties praying that the supervisors of roads may be directed, by law, to remove obstructions in Little Blue river, for the purpose of preventing sickness;

Which was referred to a select committee of Messrs. Morgan, Wors-ter and Robinson of Rush.

Mr. Bowles presented the petition of William Stewart; on the subject of building a bridge across Patoka, at Newton Stewarts';

Which was referred to the committee on roads.

Mr. Bowles presented the petition of John M. Riley and others, on the subject of building a bridge across Lost River;

Which was referred to the committee on roads.

Mr. Jenckes presented the petition of Alexander Thompson and others of Sugar creek township, Vigo county, praying an additional justice of the peace;

Which was referred to a select committee of Messrs. Jenckes, Cutter and Osborn of C.

Mr. Jones, on leave, took from the files of the House, a petition heretofore acted on, by the committee of corporations; on the subject of building a bridge over Anderson's river, near Aquilla Huff's; which,

On motion,

Was referred to a select committee of Messrs. Jones, Edmonson and Bell.

Mr. Eccles presented the petition of sundry citizens of Morgan and Johnson counties praying that the county road from Franklin in Johnson county to Martinsville in Morgan county be changed to a state road;

Which was referred to a select committee of Messrs. Eccles, Finch and Moore of O.

Mr. M'Gaughey presented the petition of George Percy and others, praying for the election of a justice of the peace and constable in the town of Kainbridge Monroe township, Putnam county;

Which was referred to a select committee of Messrs. M'Gaughey, Farley and O'Neill.

Mr. Lanus presented a petition on the subject of the Rising Sun and Versailles road, and a remonstrance against the same;

Which were referred to a select committee, consisting of the delegation from Dearborn county.

Mr. Perry presented the petition of J. P. Millikin and others, praying for certain amendments to the "act incorporating Congressional townships, and providing for public schools therein;"

Which was referred to the committee on education.

Mr. Shields presented the petition of sundry citizens of Jackson county, praying that the county road running from Rockford, by the way of Redington to the boundary line of Jennings and Jackson counties be changed to a state road;

Which was referred to a select committee of Messrs. Shields, English and Spann.

Mr. Osborn of Clay, presented the petition of M. S. Johnson, collector of Clay county;

Which was referred to the committee of ways and means.

Mr. Herriman presented the petition of sundry citizens of De Kalb and Allen counties, praying for the vacation of a certain state road therein named;

Which was referred to the committee on roads.

Mr. Fisher presented the petition of J. C. Eggleston and others, praying for an amendment to the act incorporating the town of Ve-vay;

Which was referred to the committee on corporations.

Mr. Miller presented the petition of John C. Warrick and other citizens of Gibson county, praying for a justice of the peace in the town of Owensville;

Which was referred to a select committee of Messrs. Miller, Bell and Frisbie.

The Speaker laid before the House a communication from Noah Noble President of the Board of Internal, in answer to a resolution of the House, on the subject of the Cross-Cut canal;

Which was referred to the committee on canals and internal improvements.

Mr. Long made the following report:

MR. SPEAKER—

The committee of ways and means, to whom a resolution was referred, directing them to prepare and report a bill, changing the mode of assessing and collecting the State revenue, so as to direct the qualified voters in each township, in the several counties, to elect one assessor, and one collector, in each township, for the purpose of assessing and collecting the state and county revenue, have prepared a bill in compliance with their direction, which I am now ready to report, to wit:

No. 120, a bill to provide that the people may elect their own assessors and for other purposes;

Which was read a first time and passed to a second reading.

Mr. Juhah made the following report:

MR. SPEAKER—

The committee on the judiciary according to order have had under consideration a bill entitled "a bill to provide for the formation of the county of _____ and for other purposes."—

The committee have examined witnesses and have ascertained the following facts:

1st. This bill proposes to take 42 square miles off of the north side of Wabash county, which would reduce that county to 373 square miles, and less than the constitutional limits.

2d. That the surplus territory in Kosciusko county is about 168 miles inhabited by about one hundred voters, and that altho' these voters would be willing to be formed into a new county, yet it would only be with a view of afterwards obtaining additional territory from the adjoining counties, and thus indirectly overcoming the constitutional objection.

3d. That Warsaw the present county seat is nearly central and not very inconvenient for the citizens of Kosciusko.

Wherefore the committee recommend that said bill be indefinitely postponed.

On motion of Mr. Long,

The report and accompanying bill were ordered to be laid upon the table.

Mr. Judah made the following report:

MR. SPEAKER—

The committee on the judiciary according to order have had under consideration the petition of the officers of the Indiana Mutual Fire Insurance Company, and have directed me to report and recommend the enactment of a bill herewith submitted, and entitled No. 121, a bill to amend an act entitled "an act to incorporate the Indiana Mutual Fire Insurance Company."

The bill was read a first time and ordered to a second reading on to-morrow.

Mr. Finch made the following report:

MR. SPEAKER—

The judiciary committee to whom was referred the petition of Wm. Delvin and others, praying the legalization of the proceedings of the Board of Commissioners of Huntington county, have, in pursuance of the prayer of the petitioners, directed me to report the following bill, to-wit:

No. 122, a bill to legalize the proceedings of the Board doing county business in Huntington county;

Which was read a first time and ordered to a second reading on to-morrow.

Mr. Bowles now moved to dispense with the previous orders of the day and take under consideration bill No. 75, to provide for the immediate relief of contractors and others engaged on the public works;

Which motion was decided in the affirmative.

Mr. Cutter moved to commit the bill and amendment to a select committee;

Which motion was decided in the negative.

Mr. Henley moved to amend the proposed amendment of the select committee, by the following as an additional section, to-wit:

"Sec. —. That from and after the passage of this act, it shall not be lawful for the fund commissioners, or any other agents of the State to sell, hypothecate, or in any way dispose of any bonds of the State of Indiana, for the further prosecution of the public works; nor shall it be lawful for the State Board of Internal Improvement to make or cause to be made any further contracts or lettings on any public

work, or any part of the same, until the issues authorized by this act, or so many of the same as may by virtue of this act be made, shall be fully redeemed and cancelled; *Provided*, That nothing herein contained shall be so construed as to prevent the further prosecution of the Wabash and Erie canal, by means of its own original and legitimate funds, nor to prevent the expenditure of such small amounts as may be necessary to protect or save from dilapidation any portion of the works now in progress;"

On the question, Shall said amendment to the amendment be adopted?

And the ayes and noes being requested thereon by Messrs. Herri-man and Hunt of J.,

Those who voted in the affirmative were:

Messrs. Albertson, Carlton of L., Conaway, Cox, Dunn, Edmonson English, Fisher, Fitch, Frisbie, Garrigus, Gardner, Haddon, Henley, Jamison, Lane, Lanus, McCoy, Miller, Milroy, Montgomery, Moore of V., Nelson of B., O'Neill, Perry, Porter, Robinson of Ripley, Robinson of Rush, Sands, Shields, Southard, White, Wilson of M., Wilson of W., Worster, Zenor and Mr. Speaker—38.

Those who voted in the negative were:

Messrs. Allison, Arnold, Atherton, Baker, Beckett, Bell, Bennett, Berkshire, Bowles, Buckles, Burke, Butler, Campbell, Carleton of F., Cogswell, Cooper, Cutter, Eccles, Everts, Farley, Finch, Flint, Foster, Hamer, Hamblen, Herriman, Hull, Hunt of J., Hunt of R., Jackson, Jenckes, Johnson, Jones, Judah, Lancaster, Lee, Long, McCormack, McGaughey, Monroe, Moore of O., Morgan, Morrison, Nelson of M., Osborn of C., Osborn of F., Osborn of U., Parker, Perviance, Rippey, Robinson of J., Rush, Shiveley, Spann, Stewart, Sweetser, Thompson, Warriner and Woodard—59.

So said amendment was not adopted.

Mr. Bowles moved to strike out of the bill the words "two years," and insert the words "one year"—the time of the redemption of the notes;

Which amendment was not adopted.

Mr. Cutter moved to amend, by adding the following, as a proviso to the first section, to-wit:

"Provided, however, That if our fund commissioner, now in the city of New York, or any other commissioner or agent we may hereafter send there or elsewhere shall become able to procure, without further sale of State bonds, sufficient money to pay our contractors on the public works, before the said treasury notes shall be executed and issued, then the same shall not be issued; but the said contractors shall be paid as heretofore."

On the question, Shall said amendment be adopted? it was decided in the affirmative.

Mr. Robinson of Ripley moved to amend the bill, by adding the following as an additional section, to-wit:

"SEC. *Provided, however,* That the amount of treasury notes authorized by this act to be issued, shall be confined strictly to the amount now due contractors and others, for labor and other services done on the public works, and shall not exceed the same; *And provided further,* That all lettings on the public works, and further prosecution of the same, except the Wabash and Erie canal, and all further sale of State bonds, for the further prosecution of the public works, be, and the same is hereby suspended, for the term of one year, and until otherwise authorized by the General Assembly of the State of Indiana.

And on the question, shall said amendment be adopted?

The ayes and noes being requested thereon, by Messrs. Edmonson and Robinson of Ripley,

Those who voted in the affirmative were:

Messrs. Albertson, Bennett, Campbell, Clark, Coats, Conaway, Cox, Dunn, Edmonson, English, Fisher, Fitch, Frisbie, Garrigus, Gardner, Haddon, Henley, Jamison, Jones, Lane, Lanius, M'Coy, Miller, Milroy, Montgomery, Moore of V., Morgan, Nelson of B., O'Neill, Osborn of U., Perry, Porter, Robinson of Ripley, Robinson of Rush, Sands, Shields, Southard, White, Wilson of M., Worsler, Zenor and Mr. Speaker—42.

Those who voted in the negative were:

Messrs. Allison, Arnold, Atherton, Baker, Beckett, Bell, Berkshire, Bowles, Buckeles, Burk, Butler, Carleton of F., Carlton of L., Cogswell, Cooper, Cutter, Eccles, Everts, Farley, Finch, Flint, Foster, Hamer, Hamblen, Herriman, Hull, Hunt of J., Hunt of R., Jackson, Jenckes, Johnson, Lancaster, Lee, Long, McCormack, McGaughey, Monroe, Moore of O., Morrison, Nelson of M., Osborn of C., Osborn of F., Parker, Perviance, Rippey, Robinson of J., Rush, Shiveley, Spann, Stewart, Sweetser, Thompson, Warriner, Wilson of W., and Woodard—55

So said amendment was not adopted.

Mr. Jenckes now moved that the bill and amendments be recommitted to the committee on the judiciary, with instructions to inquire into its constitutionality,

And the ayes and noes being requested thereon, by Messrs. Jenckes and Lane,

Those who voted in the affirmative were:

Messrs. Albertson, Allison, Atherton, Beckett, Butler, Campbell, Carleton of F., Coats, Conaway, Cox, Cutter, Dunn, English, Finch,

Fisher, Fitch, Frisbie, Garrigus, Hoddon, Henly, Hunt of R., Jackson, Jenckes, Jones, Judah, Lancaster, Lanius, McGaughey, Montgomery, Morgan, O'Neill, Osborn of C. Perry, Sands, Shields, Southard, Sweetser, Thompson, Wilson of M., Woodard and Zenor—41.

Those who voted in the negative were:

Messrs. Arnold, Baker, Bell, Bennett, Berkshire, Bowles, Buckles, Burke, Carlton of L., Clark, Cogswell, Cooper, Eccles, Edmonson, Everts, Farley, Flint, Foster, Gardner, Hamer, Hamblen, Herriman, Hull, Hunt of J., Johnson, Lane, Lee, Long, McCormack, McCoy, Miller, Milroy, Monroe, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of F., Osborn of U., Parker, Perviance, Porter, Rippey, Robinson of J., Robinson of R., Robinson of Rush, Shiveley, Spann, Stewart, Warriner, White, Wilson of W., Worster and Mr. Speaker—55.

So said amendment was decided in the negative.

Mr. Robinson of Ripley moved to strike out of the first section of the amendment reported by the committee, after the words, "on account," these words, "of the prosecution of the public works in Indiana," and insert the words "of labor now done, or other services performed on the public works."

Mr. Fitch called for a division of the question, and the question being put on striking out,

And the ayes and noes being requested thereon, by Messrs. Edmonson and Robinson of Ripley,

Those who voted in the affirmative were:

Messrs. Campbell, Coats, Conaway, Cutter, Dunn, Edmonson, English, Fisher, Fitch, Foster, Frisbie, Garrigus, Henley, Jamison, Jones, Judah, Lanius, McCoy, Milroy, Montgomery, Morgan, Perry, Robinson of R., Sands, Shields, Southard, Zenor and Mr. Speaker—28.

Those who voted in the negative were:

Messrs. Albertson, Allison, Arnold, Atherton, Baker, Beckett, Bell, Bennett, Berkshire, Bowles, Buckles, Burke, Butler, Carleton of F., Carlton of L., Clark, Cogswell, Cooper, Cox, Eccles, Everts, Farley, Finch, Flint, Gardner, Haddon, Hamer, Hamblen, Herriman, Hull, Hunt of J., Hunt of R., Jackson, Jenckes, Johnson, Lane, Lancaster, Lee, Long, McCormack, McGaughey, Miller, Monroe, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of M., O'Neill, Osborn of C., Osborn of F., Osborn of U., Parker, Perviance, Porter, Rippey, Robinson of J., Robinson of Rush, Rush, Shiveley, Stewart, Sweetser, Thompson, Warriner, White, Wilson of M., Wilson of W., Woodard and Worster—70.

So the House refused to strike out.

Mr. Fisher moved to amend the bill by adding the following as an additional proviso, to wit:

"Provided furthermore, that in case it should be found, in paying out the said treasury notes, that they fall in value below par of gold and silver, that the further payment thereof be suspended;

Which amendment was not adopted.

Mr. Robinson of Ripley moved to strike out of the fifth section so much relates to the future sale of State bonds;

And the ayes and noes being requested thereon, by Messrs. Robinson of Ripley and Edmonson,

Those who voted in the affirmative were:

Messrs. Albertson, Carlton of L., Clark, Coats, Conaway, Cox, Dunn, Edmonson, English, Fisher, Fitch, Frisbie, Garrigus, Gardner, Haddon, Henley, Hunt of J., Jamison, Jones, Lanius, McCoy, Miller, Milroy, Monroe, Montgomery, Moore of V., Morrison, Nelson of B., Osborn of U., Perry, Robinson of Ripley, Sands, Southard, Sweetser, Wilson of W., Zenor and Mr. Speaker—38.

Those who voted in the negative were:

Messrs. Allison, Arnold, Atherton, Baker, Beckett, Bell, Berkshire, Bowles, Buckles, Burke, Butler, Campbell, Carleton of F., Cogswell, Cooper, Eccles, Everts, Farley, Finch, Flint, Foster, Hamer, Hamblen, Herriman, Hull, Hunt of R., Jackson, Jenckes, Johnson, Judah, Lane, Lancaster, Lee, Long, McCormack, McGaughey, Moore of O., Morgan, Nelson of M., O'Neill, Osborn of C., Osborn of F., Parker, Perviance, Porter, Rippey, Robinson of J., Robinson of Rush, Rush, Shields, Shiveley, Spann, Stewart, Thompson, Warriner, White, Wilson of M., Woodard and Worster—60.

So said words were not stricken out.

Mr. Milroy moved to amend by striking out of the 4th section the word "either," and the words "Board of Internal Improvement"—confining a renewal of operations on the public works to the direction of the legislature.

And the ayes and noes being requested thereon by Messrs. McCoy and Edmonson,

Those who voted in the affirmative were:

Messrs. Albertson, Bennett, Clark, Coats, Conaway, Cox, Dunn, Edmonson, English, Fisher, Fitch, Frisbie, Garrigus, Gardner, Haddon, Henley, Jamison, Jones, McCoy, Milroy, Montgomery, Moore of V., Morgan, Nelson of B., Osborn of U., Perry, Robinson of Ripley, Robinson of Rush, Sands, Shields, Southard, Wilson of W., Worster, Zenor and Mr. Speaker.—35.

Those who voted in the negative were:

Messrs. Allison, Arnold, Atherton, Baker, Beckett, Bell, Berkshire, Bowles, Buckles, Burke, Butler, Campbell, Carleton of F., Carlton of L., Cogswell, Cooper, Cutter, Eccles, Everts, Farley, Fitch, Flint, Foster, Hamer, Hamblen, Herriman, Hull, Hunt of J., Hunt of R., Jackson, Jencks, Johnson, Judah, Lane, Lancaster, Lee, Long, McCormack, McGaughey, Miller, Monroe, Moore of O., Morrison, Nelson of M., O'Neill, Osborn of C., Osborn of F., Parker, Purviance, Porter, Rippey, Robinson of J., Rush, Shiveley, Spann, Stewart, Sweetser, Thompson, Warriner, White, Wilson of M., and Woodard—62.

So said amendment was not adopted.

Mr. Hunt of R., moved to amend, by striking out so much as relates to the treasury notes bearing interest at 6 per cent. per annum.

And the ayes and noes being requested thereon by Messrs. Bowles and Long,

Those who voted in the affirmative were:

Messrs. Clark, Conaway, Cooper, Cox, Edmonson, English, Finch, Frisbie, Hunt of R., Jamison, Jones, Lanius, Morgan, O'Neill, Perry, Robinson of Ripley, Sands, Southard, Spann, Wilson of M., Zenor and Mr. Speaker.—22.

Those who voted in the negative were:

Messrs. Albertson, Allison, Arnold, Atherton, Baker, Beckett, Bell, Bennett, Berkshire Bowles, Buckles, Burke, Butler, Campbell, Carleton of F., Carlton of L., Coats, Cogswell, Cutter, Dunn, Eccles, Everts, Farley, Fisher, Fitch, Flint, Foster, Garrigus, Gardner, Haddon, Hamer, Hamblen, Henley, Herriman, Hull, Hunt of J., Jackson, Jencks, Johnson, Judah, Lane, Lancaster, Lee, Long, McCormack, McCoy, McGaughey, Miller, Milroy, Monroe, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of C., Osborn of F., Osborn of U., Parker, Purviance, Porter, Rippey, Robinson of J., Robinson of Rush, Rush, Shields, Shiveley, Stewart, Sweetser, Thompson, Warriner, White, Wilson of W., Woodard and Worster.—75.

So said amendment was not adopted.

Mr. Fitch moved to amend, by adding the following as an additional section, to wit:

SEC. The acting commissioner on the Wabash and Erie canal or other person or persons who may have the superintendence of the sale of the Wabash and Erie canal lands shall receive so much of said notes in payment of principal due or which may hereafter become due on the sale of said lands as may have been applied to payment of

contractors on said canal, which amount shall be certified to said commissioner or other person by the principal engineer, and a copy of such certificate be filed with the Auditor and Treasurer of State; said notes after being so paid to be handed over to the Treasurer of State to be by him "cancelled;"

Which amendment was not adopted.

Mr. Robinson of J., moved to amend by inserting the following proviso, to wit:

Provided however, That if, when the time arrives for the collection of taxes, that no other means shall exist but taxation, and no other provision shall have been made for the payment of interest on the public debt and preservation of the public faith, the Governor shall be authorized to issue his proclamation forbidding the receipt of treasury notes for taxes.

And the ayes and noes being requested thereon by Messrs. Long and Robinson of Jefferson.

Those who voted in the affirmative were:

Messrs. Baker, Beckett, Berkshire, Butler, Carleton of F., Coats, Cooper, Cox, Cutter, Finch, Fisher, Hull, Jackson, Jamison, Judah, Lancaster, Parker, Robinson of J., Robinson of Ripley, Rush, Southard, Spann, Sweetser, Thompson, Wilson of M., and Woodard.
—24.

Those who voted in the negative were:

Messrs. Albertson, Allison, Arnold, Atherton, Bell, Bennett, Bowles, Buckles, Burke, Campbell, Carlton of L., Clark, Cogswell, Conaway, Dunn, Eccles, Edmonson, English, Everts, Farley, Fitch, Flint, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamer, Hamblen, Henley, Herriman, Hunt of J., Hunt of R., Jenckes, Johnson, Jones, Lane, Lanius, Lee, Long, McCormack, McCoy, Miller, Milroy, Monroe, Montgomery, Moore of O., Moore of V., Morgan, Nelson of B., Nelson of M., O'Neill, Osborn of C., Osborn of F., Osborn of U., Perry, Perviance, Porter, Rippey, Robinson of Rush, Sands, Shields, Shiveley, Stewart, Warriner, White, Wilson of W., Worster, Zenor, and Mr. Speaker—72.

So said amendment was not adopted.

Mr. Morgan moved to reconsider the vote taken on Mr. Robinson of Ripley's amendment, in relation to the future sale of State bonds; Which motion was decided in the negative.

Mr. Allison moved to amend, so that the five dollar issues shall not draw interest;

Which amendment was not adopted.

The question again recurring on concurring in the report of the select committee, as amended,

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Arnold, Atherton, Baker, Beckett, Bell, Berkshire, Bowles, Buckles, Burke, Butler, Carlton of L., Clark, Cogswell, Cooper, Eccles, Everts, Farley, Fitch, Flint, Foster, Gardner, Haddon, Hamer, Hamblen, Herriman, Hull, Hunt of J., Hunt of R., Johnson, Lane, Lee, Long, McCormack, McGaughey, Miller, Milroy, Monroe, Moore of O., Moore of V., Morgan, Morrison, Nelson of B., Nelson of M., Osborn of C., Osborn of F., Osborn of U., Parker, Perviance, Porter, Rippey, Robinson of J., Robinson of Rush, Shiveley, Spann, Stewart, Thompson, Warriner, White, Wilson of M., Wilson of W., Woodard and Worster—62.

Those who voted in the negative were:

Messrs. Albertson, Allison, Bennett, Campbell, Carleton of F., Coats, Conaway, Cox, Cutter, Dunn, Edmonson, English, Finch, Fisher, Frisbie, Garrigus, Henley, Jackson, Jamison, Jenckes, Jones, Judah, Lancaster, Lanius, McCoy, Montgomery, O'Neill, Perry, Robinson of Ripley, Rush, Sands, Shields, Southard, Sweetser, Zenor and Mr. Speaker—36.

So said report, as amended, was concurred in.

The question now recurred, Shall the bill be engrossed for a third reading?

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Arnold, Atherton, Baker, Bell, Berkshire, Bowles, Buckles, Burke, Carlton of L., Clark, Cogswell, Cooper, Dunn, Eccles, Everts, Farley, Fitch, Flint, Foster, Gardner, Haddon, Hamer, Hamblen, Herriman, Hull, Hunt of J., Hunt of R., Johnson, Lane, Lee, Long, McCormack, Miller, Milroy, Monroe, Moore of O., Moore of V., Morgan, Morrison, Nelson of B., Nelson of M., Osborn of C., Osborn of F., Osborn of U., Parker, Perviance, Porter, Rippey, Robinson of J., Robinson of Rush, Shiveley, Spann, Stewart, Thompson, Warriner, White, Wilson of W., Woodard and Worster—59.

Those who voted in the negative were:

Messrs. Albertson, Allison, Beckett, Bennett, Butler, Campbell, Carleton of F., Coats, Conaway, Cox, Cutter, Edmonson, English, Finch, Fisher, Frisbie, Garrigus, Henley, Jackson, Jamison, Jenckes, Jones, Judah, Lancaster, Lanius, McCoy, Montgomery, O'Neill, Perry, Robinson of Ripley, Rush, Sands, Shields, Southard, Sweetser, Wilson of M., Zenor and Mr. Speaker—38.

So the bill was ordered to be engrossed for a third reading.

Mr. Parker moved that the bill be considered as engrossed and read a third time now.

Pending which question,

On motion,

The House adjourned until two o'clock, P. M.

Two o'clock, P. M.

The House met pursuant to adjournment; and

Resumed the consideration of the pending question.

A point of order having been raised, the Speaker decided that a majority of the House could order the bill to a third reading on this day.

From this decision of the chair, Mr. Sweetser took an appeal, which being seconded, the question was put, Is the decision of the chair correct? and decided in the affirmative.

The question was then put, on suspending the rules and reading the bill a third time now,

And the ayes and noes being requested thereon, by Messrs. Henley and Jones,

Those who voted in the affirmative were:

Messrs. Arnold, Baker, Berkshire, Bowles, Buckles, Burke, Carlton of L., Clark, Cogswell, Cooper, Davis, Dunn, Eccles, Everts, Farley, Flint, Foster, Hamer, Hamblen, Herriman, Hull, Hunt of J., Hunt of R., Jackson, Johnson, Jones, Lane, Lancaster, Lee, Long, McCormack, McGaughey, Miller, Milroy, Monroe, Moore of O., Morrison, Nelson of B., Nelson of M., Osborn of C., Osborn of F., Osborn of U., Parker, Perviance, Porter, Rippey, Robinson of J., Robinson of Rush, Shiveley, Spann, Stewart, Warriner, Wheeler, White, Wilson of M., Wilson of W., Woodard and Worster—58.

Those who voted in the negative were:

Messrs. Albertson, Allison, Bell, Bennett, Butler, Campbell, Carleton of F., Coats, Cox, Cutter, Edmonson, English, Finch, Fisher, Fitch, Frisbie, Garrigus, Gardner, Haddon, Henley, Jamison, Jenckes, Judah, Lanius, McCoy, Montgomery, Moore of V., Morgan, O'Neill, Perry, Robinson of Ripley, Sands, Shields, Southard, Sweetser, Zenor and Mr. Speaker—37.

So the rules were suspended.

The bill was now read a third time; when

Mr. Jones moved to re-commit the bill to a select committee, with instructions to strike out that part which relates to the sale of State bonds; also that part which authorizes the renewal of operations upon the public works, by the Board of Internal Improvement, and to provide for a suspension of all contracts and further loans, for internal improvement purposes, except so far as the Wabash and Erie canal is concerned, by the use of its own funds.

Mr. Cutter moved to amend the instructions, as follows:

"Also to amend, by striking out the clause that makes the notes payable for taxes."

And the ayes and noes being requested on said amendment,

Those who voted in the affirmative were:

Messrs. Baker, Beckett, Butler, Clark, Coats, Cooper, Cox, Cutter, Flint, Garrigus, Gardner, Jackson, Jamison, Jenckes, Lancaster, Long, Parker, Robinson of J., Robinson of Ripley, Rush, Sweetser, Thompson and Woodard—25.

Those who voted in the negative were:

Messrs. Albertson, Allison, Arnold, Atherton, Bell, Bennett, Berk, shire, Bowles, Buckles, Burke, Campbell, Carleton of F., Carlton of L., Cogswell, Conaway, Davis, Dunn, Eccles, Edmonson, English, Everts, Farley, Finch, Fisher, Fitch, Foster, Frisbie, Haddon, Hamer, Hamblen, Henley, Herriman, Hull, Hunt of J., Hunt of R., Johnson, Jones, Lane, Lanius, Lee, McCormack, McCoy, Miller, Milroy, Monroe, Montgomery, Moore of O., Moore of V., Morgan, Morrison, Nelson of B., Nelson of M., O'Neill, Osborn of C., Osborn of F., Osborn of U., Perry, Perviance, Porter, Rippey, Robinson of Rush-Sands, Shields, Shiveley, Southard, Spann, Stewart, Warriner, White, Wilson of M., Wilson of W., Worster, Zenor and Mr. Speaker—74.

So said amendment was not adopted.

Mr. Fitch moved to amend the instructions as follows; which was accepted by Mr. Jones, to wit:

"To limit the issue of the notes to an amount sufficient to pay contractors and laborers for work now done; not the debt due, on account of internal improvements to any bank or corporate institution, and further, to make such notes redeemable in one year."

Mr. Sweetser moved to amend the instructions, as follows:

"That debts due the State, from the Morris Canal and Banking Company shall not be received in Treasury notes."

On the question, shall said amendment be adopted? it was decided in the affirmative.

Mr. Hull moved further to amend the instructions, as follows, to wit:

"And further, that they amend, so as to authorize an issue of State

bonds to one fourth of the debts to be paid out to contractors, bearing six per cent. interest, and redeemable in the city of New York, within five years, or as much sooner as money can be had for that purpose."

On the question, shall said amendment be adopted? it was decided in the negative.

Mr. Fitch moved further to amend the instructions as follows:

"And with leave to amend generally: provided they do not amend in such manner as to violate the preceeding instructions.

Mr. Herriman now called for a division of the question,

And the question was put, shall the bill be recommitted?

And the ayes and noes being requested thereon, by Messrs. Jones and Fisher,

Those who voted in the affirmative were:

Messrs. Albertson, Beckett, Bennett, Butler, Campbell, Carlton of L., Clark, Coats, Conaway, Cox, Dunn, Edmonson, English, Fisher, Fitch, Frisbie, Garrigus, Gardner, Haddon, Hamer, Henley, Jamison, Jones, Judah, Lancaster, Lanius, McCoy, Monroe, Moore of O., Morgan, Morrison, Nelson of B., O'Neill, Perry, Robinson of J., Robinson of Ripley, Robinson of Rush, Sands, Shields, Southard, Stewart, Sweetser, Woodard, Worster, Zenor and Mr. Speaker—46.

Those who voted in the negative were:

Messrs. Allison, Arnold, Atherton, Baker, Bell, Berkshire, Bowles, Buckles, Burke, Carleton of F., Cogswell, Cooper, Cutter, Davis, Eccles, Everts, Farley, Finch, Flint, Foster, Hamblen, Herriman, Hull, Hunt of J., Jackson, Jenckes, Johnson, Lane, Lee, Long, McCormack, McGaughey, Miller, Milroy, Montgomery, Moore of V., Nelson of M., Osborn of C., Osborn of F., Osborn of U., Parker, Perviance, Porter, Rippey, Rush, Shiveley, Spann, Thompson, Warriner, White, and Wilson of W.,—51.

So said bill was not recommitted.

Mr. McCoy now moved that the House adjourn until Monday morning at nine o'clock,

And the ayes and noes being requested thereon, by Messrs. Lane and Bowles,

Those who voted in the affirmative were:

Messrs. Bell, Bennett, Campbell, Coats, Cutter, Edmonson, English, Finch, Fitch, Frisbie, Gardner, Jamison, Jenckes, McCoy, McGaughey, Moore of O., Morgan, Nelson of B., Robinson of J., Robinson of Ripley, Robinson of Rush, Southard and Woodard—23.

Those who voted in the negative were:

Messrs. Albertson, Allison, Arnold, Atherton, Baker, Beckett, Berk-

shire, Bowles, Buckles, Burke, Butler, Carleton of F., Carlton of L., Clark, Cogswell, Conaway, Cooper, Cox, Davis, Dunn, Eccles, Everts, Farley, Fisher, Flint, Foster, Garrigus, Haddon, Hamer, Hamblen, Henley, Herriman, Hull, Hunt of J., Hunt of R., Jackson, Johnson, Jones, Judah, Lane, Lancaster, Lanius, Lee, Long, McCormack, Miller, Milroy, Monroe, Montgomery, Moore of V., Morrison, Nelson of M., O'Neill, Osborn of C., Osborn of F., Osborn of U., Parker, Perry, Purviance, Porter, Rippey, Rush, Sands, Shields, Shiveley, Spann, Stewart, Sweetser, Thompson, Warriner, White, Wilson of M., Wilson of W., Worster, Zenor and Mr. Speaker—76.

So the House refused to adjourn.

On the question, shall the bill pass!

The ayes and noes being requested thereon by Messrs. Lane and Jones,

Those who voted in the affirmative were

Messrs. Arnold, Baker, Bell, Bowles, Buckles, Burke, Cogswell, Cooper, Davis, Eccles, Everts, Farley, Fitch, Foster, Gardner, Herriman, Hunt of J., Hunt of R., Jackson, Johnson, Lane, Lancaster, Lee, Long, McCormack, Miller, Milroy, Nelson of M., Osborn of F., Parker, Purviance, Porter, Rippey, Shiveley, Spann, Stewart, Warriner, White and Wilson of W—39.

Those who voted in the negative were:

Messrs. Albertson, Allison, Artherton, Beckett, Bennett, Berkshire, Butler, Campbell, Carleton of F., Carlton of L., Clark, Coats, Conaway, Cox, Cutter, Dunn, Edmonson, English, Finch, Fisher, Flint, Frisbie, Garrigus, Haddon, Hamer, Hamblen, Henley, Hull, Jamison, Jenckes, Jones, Judah, Lanius, McCoy, Monroe, Montgomery, Moore of O., Moore of V., Morgan, Morrison, Nelson of B., O'Neill, Osborn of C., Osborn of U., Perry, Robinson of J., Robinson of Ripley, Robinson of Rush, Rush, Sands, Shields, Southard, Sweetser, Thompson, Wilson of M., Woodard, Worster, Zenor and Mr. Speaker—59.

So said bill did not pass.

On motion,

The House adjourned until Monday morning at nine o'clock.

MONDAY MORNING, JANUARY 13, 1840.

The House met pursuant to adjournment.

The Speaker laid before the House a second series of the letters of

Atticus on the currency, the credit system, and national fiscal agent of the United States;

Which was referred to the committee on the State Bank.

The Speaker laid before the House, a communication from Jesse L. Williams, principal engineer of the State, in answer to a resolution of the House, as to the probable loss sustained by contractors on the several public works, in case they are compelled to abandon their contracts;

Which was laid on the table; and,

On motion of Mr. Bennett,

One hundred copies were ordered to be printed.

Mr. Carlton of L. moved to reconsider the vote, taken on Saturday, on the passage of bill No. 75, for the immediate relief of contractors and others engaged on the public works,

And the ayes and noes being requested thereon by Messrs. Judah and Albertson,

Those who voted in the affirmative were:

Messrs. Albertson, Arnold, Bell, Bowles, Buckles, Burke, Carleton of F., Carlton of L., Clark, Cogswell, Conaway, Cooper, Davis, Eccles, Edmonson, English, Farley, Fitch, Foster, Garrigus, Gardner, Haddon, Hamer, Hamblen, Henley, Herriman, Hull, Hunt of R., Johnson, Jones, Lane, Lee, Long, McCormack, McCoy, McGaughey, Miller, Milroy, Monroe, Moore of O., Moore of V., Morgan, Morrison, Nelson of B., Nelson of M., Osborn of F., Osborn of U., Parker, Perry, Perviance, Porter, Rippey, Robinson of Rush, Rush, Sands, Shiveley, Spann, Stewart, Warriner, Wheeler, White, Wilson of M., Wilson of W., Worster, Zenor and Mr. Speaker—66.

Those who voted in the negative were:

Messrs. Allison, Atherton, Baker, Beckett, Bennett, Berkshire, Butler, Campbell, Coats, Cox, Cutter, Dunn, Everts, Finch, Fisher, Flint, Frisbie, Hunt of J., Jackson, Jamison, Jenckes, Judah, Lancaster, Lanius, Montgomery, O'Neill, Robinson of J., Robinson of Ripley, Shields, Southard, Sweetser, Thompson and Woodard—33

So said vote was re-considered.

Mr. Lane moved to recommit the bill to a select committee of three with the following instructions moved on Saturday by Mr. Jones, to-wit:

“Strike out that part of the bill, which relates to the sale of State bonds; also that part which authorizes the renewal of operations upon the public works, by the Board of Internal Improvement, and to provide for a suspension of all contracts and further loans, for internal improvement purposes, except so far as the Wabash and Erie canal is concerned, by the use of its own funds.”

Mr. Jones moved to amend the instructions, by striking out the

words, "a select committee of three," and insert "select committee of one from each Congressional district."

Mr. Herriman called for a division of the question, and the question was put, Shall the bill be recommitted? and decided in the affirmative.

Messrs. Lane, Henley and Cooper were appointed the select committee.

The question now recurred, on Mr. Lane's motion to instruct the committee; when

Mr. Robinson of Ripley moved to amend the instructions, as follows:

"Add a section making it a penal offence for collectors to purchase said treasury notes, at a less amount than the amount expressed on the face of said treasury notes;"

Which amendment was adopted.

Mr. Lane moved further to instruct, by adding a clause appropriating five hundred dollars to carry the bill into effect;

Which amendment was adopted.

Mr. Hunt of J. moved to amend the instructions, by adding thereto the following proviso, to-wit:

"Provided such suspension shall not affect any contracts upon public works now in existence, for which specific appropriations have been made."

And the ayes and noes being requested thereon, by Messrs. Jones and Hunt of J.,

Those who voted in the affirmative were:

Messrs. Arnold, Bell, Bowles, Buckles, Campbell, Carleton of F., Cogswell, Cooper, Cutter, Finch, Flint, Hamblen, Hunt of J., Jenckes, Lancaster, Lee, McCormack, McGaughey, Nelson of M., O'Neill, Parker, Robinson of J., Rush, Shiveley, Spann, Sweetser and Woodward—27.

Those who voted in the negative were:

Messrs. Albertson, Allison, Atherton, Baker, Beckett, Bennett, Berkshire, Burke, Butler, Carlton of L., Clark, Coats, Conaway, Cox, Davis, Dunn, Eccles, Edmonson, English, Everts, Farley, Fisher, Fitch, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamer, Herriman, Hull, Hunt of R., Jackson, Jamison, Johnson, Jones, Lane, Lanius, Long, McCoy, Miller, Milroy, Monroe, Montgomery, Moore of O., Moore of V., Morgan, Morrison, Nelson of B., Osborn of F., Osborn of U., Perry, Perviance, Porter, Rippey, Robinson of Ripley, Robinson of Rush, Sands, Shields, Southard, Stewart, Thompson, Wariner, White, Wilson of M. Wilson of W., Worster and Zenor—68.

So said amendment was not adopted.

Mr. Cutter moved to amend the instructions, as follows, to-wit:

"Strike out the part making treasury notes payable for taxes."

On the question being put, on said amendment,

And the ayes and noes being requested thereon by Messrs. Cutter and Bowles.

Those who voted in the affirmative were:

Messrs. Arnold, Baker, Beckett, Butler, Carleton of F., Coats, Cogswell, Cooper, Cox, Cutter, Finch, Flint, Garrigus, Jackson, Jamison, Jenckes, Judah, Lancaster, Long, McCormack, Parker, Robison of J., Robinson of Ripley, Rush, Sweetser, Thompson, Wheeler, Wilson of M. and Woodard—29.

Those who voted in the negative were:

Messrs. Albertson, Atherton, Bennett, Berkshire, Bowles, Buckles, Burke, Campbell, Carlton of L., Clark, Conaway, Davis, Dunn, Eccles, Edmonson, English, Everts, Farley, Fisher, Fitch, Foster, Frisbie, Gardner, Haddon, Hamer, Hamblen, Henley, Herriman, Hull, Hunt of J., Hunt of R., Johnson, Jones, Lane, Lanius, Lee, McCoy, McGaughey, Miller, Milroy, Monroe, Montgomery, Moore of O., Moore of V., Morgan, Morrison, Nelson of B., Nelson of M., O'Neill, Osborn of F., Osborn of U., Perry, Perviance, Porter, Rippey, Robison of Rush, Sands, Shields, Shiveley, Southard, Spann, Stewart, Warriner, White, Wilson of W., Worster, Zenor and Mr. Speaker—62.

So said amendment was not adopted.

Mr. Cutter moved to amend the instructions, so as to strike out from the enacting clause and insert the original bill,

And the ayes and noes being requested thereon by Messrs. Edmonson and Cutter.

Those who voted in the affirmative were:

Messrs. Allison, Arnold, Baker, Beckett, Bell, Berkshire, Buckles, Butler, Carleton of F., Cogswell, Cooper, Cox, Cutter, Everts, Farley, Flint, Hunt of J., Jackson, Jenckes, Judah, Lancaster, Long, McCormack, McGaughey, O'Neill, Osborn of F., Parker, Robinson of J., Robinson of Ripley, Rush, Sweetser, Wheeler, Wilson of M., and Woodard.—34.

Those who voted in the negative were:

Messrs. Albertson, Atherton, Bennett, Bowles, Burke, Campbell, Carlton of L., Clark, Coats, Conaway, Davis, Dunn, Eccles, Edmonson, English, Finch, Fisher, Fitch, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamer, Hamblen, Henley, Herriman, Hull, Hunt of R., Jamison, Johnson, Jones, Lane, Lanius, Lee, McCoy, Miller, Milroy,

Monroe, Montgomery, Moore of O., Moore of V., Morgan, Morrison, Nelson of B., Nelson, of M., Osborn of U., Perry, Perviance, Porter, Rippey, Robinson of Rush, Sands, Shields, Shiveley, Southard, Spann, Stewart, Thompson, Warriner, White, Wilson of W., Woorster, Zenor and Mr. Speaker.—64.

So said amendment was not adopted.

Mr. Allison moved to amend the instructions to the committee, by striking them out and inserting the following:

“That the Auditor and Treasurer of State be hereby authorized and directed to prepare and issue Treasury Notes on bank note paper, payable one and two years after date, to an amount not exceeding two-thirds of the appraised value of all the real estate in the States of New York and New Jersey, belonging to the State, and all the debts due or coming due from banks or individuals in aforesaid States of New York or New Jersey to the State, which said notes shall be paid out by the Treasurer to the contractors on the public works, upon presentation by them of regular certificates from the Board of Internal Improvements of the amount due them from the State.

“That it shall be the duty of the Auditor of State to procure forthwith engraved plates for striking aforesaid Treasury Notes, and shall print or cause to be printed, the same, of the following denominations, and in the following proportions, to wit: one half of the whole amount of the denomination of five dollars, payable one year after date without interest, and one half of the denomination of fifty dollars, payable two years from the date of their issue, and bearing interest from said date at the rate of six per centum per annum.

“That the Auditor shall number each note that he prints, or causes to be printed, and shall enter the number and denomination thereof in a book, to be kept by him for that purpose, and after signing them as hereinafter provided, then shall deliver the same to the Treasurer, and charge that officer with the amount so delivered.

“That it shall be the duty of the Treasurer to enter in a book, to be kept by him for that purpose, the number, denomination, and the name of the person to whom paid, of each note he shall issue.

“That the body of such Treasury Note shall be as follows: ‘one or two years after date,’ (as the case may be) ‘the State of Indiana promises to pay, at the office of the Treasurer of State, to the order of (here insert the name of the person to whom paid) five or fifty dollars, (according to the denomination of the note) with interest from

at the rate of six per centum per annum—(that is, upon those bearing interest.)

Signed, Auditor of State. Signed, Treas. of State.

“That it shall be the duty of the Fund Commissioners to file under oath an inventory and appraisement, setting forth all of aforesaid debts and real estate belonging to the State, in the office of the Auditor of State.

“That the Fund Commissioner, or commissioners, shall use due vigilance and exertion, in converting aforesaid debts and real estate into available means within aforesaid terms of time of one and two years,

and upon terms most favorable to the interest of the State, and shall pay over the same as fast as he or they may receive them, to the Treasurer of the State, for the redemption of the principal and interest of these notes.

"That said notes shall be received for all taxes, and other debts due the State.

"That in case said debts and real estate shall not be sufficient for the redemption of principal and interest of said notes, then and in that case, the Fund Commissioner shall sell bonds of the State for the redemption of the same, so that said notes shall be promptly redeemed at the expiration of the time they have to run.

"Should the Treasurer be enabled, by the foregoing provisions of this act, to issue a larger amount of notes than will be required to liquidate the claims of contractors, then it shall be his duty to transfer such excess to the State Bank of Indiana, on account of the principal and interest of monies loaned by the Bank to the State for internal improvement purposes, if the Bank will receive the same on such account, and provided such excess does not exceed the principal and interest of said debt.

"That it shall be the duty of the Treasurer, should he receive from the Fund Commissioners any money or monies for the redemption of these notes before the expiration of the time they have to run, to deposit the same in the State Bank of Indiana, provided the Branches of said Bank will undertake to redeem such notes with the funds so deposited."

Before any question was taken on said amendment,
The House adjourned until two o'clock, P. M.

Two o'clock P. M.

The House met pursuant to adjournment; and

Resumed the consideration of the amendment to the instructions proposed at the last adjournment.

On the question, Shall the amendment offered by Mr. Allison, to the instructions be adopted? It was decided in the negative.

Mr. Morgan moved to amend the instructions, as follows:

"Provided, That no interest shall be allowed on treasury notes received by collectors the present year;

Which amendment was not adopted.

Mr. Baker moved to amend the instructions as follows:

"Strike out that part of the instructions that says that there shall be no further sale of State Bonds for the prosecution of public works, until authorized by the Legislature."

On the question, Shall said amendment be adopted? It was decided in the negative.

Mr. Henley moved to amend the instructions, by adding the following; which was adopted, to wit:

"Providing for the expenditure of such small sums of money as may

be necessary for the protection of work already done, and for the preservation of materials now on hand."

The question now recurring, on the adoption of the instructions to the select committee, as amended,

And the ayes and noes being requested thereon, by Messrs. Cutter and Jones,

Those who voted in the affirmative were:

Messrs. Albertson, Beckett, Bennett, Bowles, Campbell, Carlton of L., Clark, Coats, Conaway, Davis, Dunn, Eccles, Edmonson, English, Farley Fisher, Fitch, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamblen, Henley, Jamison, Jones, Lane, Lanius, Long, McCoy, Miller, Milroy, Monroe, Montgomery, Moore of O., Moore of V., Morgan, Morrison, Nelson of B., Nelson of M., Osborn of F., Osborn of U., Perry, Porter, Robinson of Ripley, Robinson of Rush, Sands, Shields, Southard, Stewart, Warriner, Wheeler, White, Wilson of W., Worster, Zenor and Mr. Speaker.—57.

Those who voted in the negative were:

Messrs. Allison, Arnold, Atherton, Baker, Bell, Berkshire, Buckles, Burke, Butler, Carleton of F., Cogswell, Cooper, Cox, Cutter, Everts, Finch, Flint, Hamer, Herriman, Hull, Hunt of J., Hunt of R., Jackson, Jenckes, Johnson, Judah, Lancaster, Lee, McCormack, McGaughey, O'Neill, Osborn of C., Parker, Perviance, Rippey, Robinson of J., Rush, Shiveley, Spann, Sweetser, Thompson, Wilson of M. and Woodard.—43.

So said instructions were adopted, and the committee instructed to report accordingly.

Mr. Lane now moved that the rule be dispensed with and the committee just appointed have leave to report,

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Bowles, Carlton of L., Clark, Cogswell, Conaway, Davis, Eccles, Edmonson, English, Farley, Fitch, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamer, Henley, Hull, Jamison, Lane, Lee, Long, McCoy, Miller, Milroy, Monroe, Moore of O., Moore of V., Morri-on, Nelson of B., Osborn of F., Osborn of U., Perry, Perviance, Porter, Rippey, Robinson of Rush, Sands, Shields, Shiveley, Southard, Stewart, Warriner, Wheeler, White, Wilson of W., Worster, Zenor and Mr. Speaker.—51.

Those who voted in the negative were:

Messrs. Allison, Arnold, Atherton, Baker, Beckett, Bell, Bennett

Berkshire, Buckles, Burke, Butler, Campbell, Carleton of F., Coats Cooper, Cox, Cutter, Dunn, Everts, Finch, Fisher, Flint, Hamblen, Herriman, Hunt of J., Hunt of R., Jackson, Jenckes, Johnson, Jones, Judah, Lancaster, Lanius, McCormack, McGaughey, Montgomery, Morgan, Nelson of M., O'Neill, Osborn of C., Parker, Robinson of J., Robinson of Ripley, Rush, Spann, Sweetser, Thompson, Wilson of M., and Woodard—49.

So the rules were dispensed with.

Mr. Lane, accordingly, from the select committee on that subject, reported a bill in accordance with the foregoing instructions, to wit:

No. 75, a bill for the relief of contractors and others engaged on the public works.

On the question, shall the report of the committee be concurred in, The ayes and noes being requested thereon, by Messrs. Cutter and Osborn of F.,

Those who voted in the affirmative were:

Messrs. Albertson, Arnold, Bowles, Campbell, Carlton of L., Clark Coats, Conaway, Davis, Eccles, Edmonson, English, Fitch, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamblen, Henley, Hull, Jamison, Jones, Lane, Lee, Long, McCoy, Miller, Milroy, Monroe, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of F., Osborn of U., Perry, Porter, Robinson of R., Robinson of Rush, Sands, Shields, Southard, Stewart, Warriner, Wheeler, White, Wilson of W., Worster, Zenor and Mr. Speaker—52.

Those who voted in the negative were:

Messrs. Allison, Atherton, Baker, Beckett, Bell, Bennett, Berkshire, Buckles, Burke, Butler, Carleton of F., Cogswell, Cooper, Cox, Cutter, Dunn, Everts, Finch, Fisher, Flint, Hamer, Herriman, Hunt of J., Hunt of R., Jackson, Jenckes, Johnson, Judah, Lancaster, Lanius, McCormack, McGaughey, Montgomery, Morgan, O'Neill, Osborn of C., Parker, Perviance, Rippey, Robinson of J., Rush, Shiveley, Spann, Sweetser, Thompson, Wilson of M., and Woodard—47.

So the report of the committee was concurred in.

Mr. Thompson now moved to recommit the bill to a select committee, with instructions to incorporate a provision to pay contractors all damages which they may sustain, by being compelled to abandon their contracts."

Mr. Judah moved to amend the instructions as follows:

"And also to pay the money which may be necessary to meet the engagements of this State, with the State of Illinois, for the improvement of the Wabash river."

Mr. Cutter moved that the House adjourn until to-morrow morning at nine o'clock,

And the ayes and noes being requested thereon, by Messrs. Cutter and Albertson,

Those who voted in the affirmative were:

Messrs. Atherton, Baker, Beckett, Bell, Bennett, Berkshire, Burke, Carleton of F., Coats, Cogswell, Cooper, Cox, Cutter, Everts, Finch, Fisher, Flint, Herriman, Hunt of R., Jackson, Johnson, Judah, Lancaster, McCormack, McGaughey, Morgan, Osborn of C., Parker, Perviance, Robinson of J., Robinson of Ripley, Shiveley, Spann, Sweetser, Thompson, Wheeler, Wilson of M., Woodard and Worster—39.

Those who voted in the negative were:

Messrs. Albertson, Allison, Arnold, Bowles, Buckles, Butler, Campbell, Carlton of L., Clark, Conaway, Davis, Dunn, Eccles, Edmonson, English, Farley, Fitch, Foster, Frisbie, Gardner, Garrigus, Haddon, Hamer, Hamblen, Henley, Hull, Hunt of J., Jamison, Jenckes, Jones, Lane, Lanius, Lee, Long, McCoy, Miller, Milroy, Monroe, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of M., O'Neill, Osborn of F., Osborn of U., Perry, Porter, Rippey, Robinson of Rush, Rush, Sands, Southard, Stewart, Warriner, White, Wilson of W., Zenor and Mr. Speaker—61.

So the House did not adjourn.

Mr. Clark called for the previous question which was not seconded by a majority of the House; when

Mr. Hunt of J. moved that the House adjourn until to-morrow morning at nine o'clock,

And the ayes and noes being requested thereon, by Messrs. Albertson and White,

Those who voted in the affirmative were:

Messrs. Arnold, Atherton, Baker, Beckett, Bell, Bennett, Berkshire, Burke, Butler, Carleton of F., Coats, Cogswell, Cooper, Cox, Cutter, Everts, Finch, Fisher, Flint, Herriman, Hunt of J., Hunt of R., Jackson, Jenckes, Johnson, Judah, Lancaster, McCormack, McGaughey, Montgomery, Morgan, O'Neill, Osborn of C., Parker, Perviance, Rippey, Robinson of J., Rush, Spann, Thompson and Woodard—41.

Those who voted in the negative were:

Messrs. Albertson, Allison, Bowles, Buckles, Campbell, Carlton of L., Clark, Conaway, Davis, Dunn, Eccles, Edmonson, English, Farley, Fitch, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamer, Hamblen, Henley, Hull, Jamison, Jones, Lane, Lanius, Lee, Long, McCoy, Miller, Milroy, Monroe, Moore of O., Moore of V., Morrison, Nelson

of B., Nelson of M., Osborn of F., Osborn of U., Perry, Porter, Robinson of Ripley, Robinson of Rush, Sands, Shields, Shiveley, Southard, Stewart, Sweetser, Warriner, White, Wilson of W., Worster, Zenor and Mr. Speaker—57.

So the House refused to adjourn.

Mr. Carleton of F. moved to lay the bill and pending instructions upon the table,

And the ayes noes being requested thereon, by Messrs. Carleton of F. and Osborn of F.,

Those who voted in the affirmative were:

Messrs. Allison, Atherton, Baker, Beckett, Bell, Bennett, Berkshire, Buckles, Burke, Butler, Carleton of F., Cogswell, Cooper, Cox, Cutter, Dunn, Everts, Finch, Fisher, Flint, Herriman, Hunt of J., Hunt of R., Jackson, Jenckes, Johnson, Judah, Lancaster, McCormack, McGaughey, Montgomery, Morgan, O'Neill, Osborn of C., Parker, Robinson of J., Rush, Shiveley, Spann, Sweetser, Thompson, Wilson of M. and Woodard—43.

Those who voted in the negative were:

Messrs. Albertson, Arnold, Bowles, Campbell, Carlton of L., Clark, Coats, Conaway, Davis, Eccles, Edmonson, English, Fitch, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamer, Hamblen, Henley, Hull, Jamison, Jones, Lane, Lanius, Lee, Long, McCoy, Miller, Milroy, Monroe, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of F., Osborn of U., Perry, Perviance, Porter, Rippey, Robinson of Ripley, Robinson of Rush, Sands, Shields, Southard, Stewart, Warriner, White, Wilson of W., Worster, Zenor and Mr. Speaker—55.

So the bill and instructions were not laid upon the table.

Mr. Cogswell moved that the House adjourn until to morrow morning at nine o'clock,

And the ayes and noes being requested thereon, by Messrs. Albertson and White,

Those who voted in the affirmative were:

Messrs. Arnold, Atherton, Baker, Beckett, Bell, Bennett, Berkshire, Burke, Butler, Carleton of F., Coats, Cogswell, Cooper, Cox, Cutter, Everts, Fisher, Herriman, Hunt of J., Hunt of R., Jackson, Jenckes, Johnson, Judah, Lancaster, McGaughey, Montgomery, Morgan, O'Neill, Osborn of C., Parker, Rippey, Robinson of J., Rush, Shiveley, Spann, Thompson, Wilson of M. and Woodard—39.

Those who voted in the negative were:

Messrs. Albertson, Allison, Bowles, Buckles, Campbell, Carlton of L., Clark, Conaway, Davis, Dunn, Eccles, Edmonson, English, Finch, Fitch, Flint, Foster, Frisbie, Gardner, Garrigus, Haddon, Hamer, Hamblen, Henley, Hull, Jamison, Jones, Lane, Lanius, Lee, Long, McCormack, McCoy, Miller, Milroy, Monroe, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of F., Osborn of U., Perry, Perviance, Porter, Robinson of Ripley, Robinson of Rush, Sands, Shields, Southard, Stewart, Sweetser, Warriner, White, Wilson of W., Worster, Zenor and Mr. Speaker—59.

So the House refused to adjourn.

Mr. Henley now moved the previous question; which was seconded by a majority of the House,

And the question being, Shall the main question be now put?

And the ayes and noes being requested thereon, by Messrs. Judah and Cutter,

Those who voted in the affirmative were:

“ Messrs. Albertson, Bowles, Carlton of L., Clark, Coats, Conaway, Davis, Eccles, Edmonson, English, Fitch, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamer, Hamblen, Henley, Hull, Jamison, Jones, Lane, Lee, Long, McCoy, Miller, Milroy, Monroe, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of F., Osborn of U., Perry, Porter, Robinson of Ripley, Robinson of Rush, Sands, Shields, Southard, Stewart, Warriner, White, Wilson of W., Worster, Zenor and Mr. Speaker—50.

Those who voted in the negative were:

Messrs. Allison, Arnold, Atherton, Baker, Beckett, Bell, Bennett, Berkshire, Buckles, Burke, Butler, Campbell, Carleton of F., Cogswell, Cooper, Cox, Cutter, Dunn, Everts, Finch, Fisher, Flint, Heriman, Hunt of J., Hunt of R., Jackson, Jenckes, Johnson, Judah, Lancaster, Lanius, McCormack, McGaughey, Montgomery, Morgan, O'Neill, Osborn of C., Parker, Perviance, Rippey, Robinson of J., Rush, Shiveley, Spann, Sweetser, Thompson, Wilson of M., and Woodard—48.

So the previous question was sustained.

On the question being put, Shall the bill pass?

And the ayes and noes being requested thereon by Messrs. Judah and Carleton of F.,

Those who voted in the affirmative were:

Messrs. Albertson, Bowles, Campbell, Carlton of L., Clark, Coats,

Conaway, Davis, Eccles, Edmonson, English, Fitch, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamblen, Henley, Hull, Jamison, Jones, Lane, Lee, Long, Lanius, Miller, Milroy, McCoy, Monroe, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of F., Osborn of U., Perry, Porter, Robinson of Ripley, Robinson of Rush, Sands, Shields, Southard, Stewart, Warriner, Wheeler, White, Wilson of W., Worster, Zenor and Mr. Speaker.—52.

Those who voted in the negative were:

Messrs. Allison, Arnold, Atherton, Baker, Beckett, Bell, Bennett, Berkshire, Buckles, Burke, Butler, Carleton of F., Cogswell, Cooper, Cox, Cutter, Dunn, Everts, Finch, Fisher, Flint, Hamer, Herriman, Hunt of J., Hunt of R., Jackson, Jenckes, Johnson, Judah, Lancaster, McCormack, McGaughey, Montgomery, Morgan, O'Neill, Osborn of C., Parker, Purviance, Rippey, Robinson of J., Rush, Shiveley, Spann, Sweetser, Thompson, Wilson of M., and Woodard—47.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

On motion,

The House adjourned until to-morrow morning at nine o'clock.

TUESDAY MORNING, JANUARY 14, 1840.

The House met pursuant to adjournment.

Mr. Wheeler, on motion, had leave to record his vote in favor of the passage of bill No. 75, for the immediate relief of contractors and others engaged on the public works.

Mr. Southard presented the petition of William Mills and others, of Posey county, praying for the location of a State road from New Harmony via Springfield to the Diamond Island;

Which was referred to a select committee of Messrs. Southard, Frisbie and Butler.

Mr. Zenor presented the petition of Henry P. Keen and others, on the subject of a State road in Harrison county;

Which was referred to a select committee heretofore appointed on that subject.

Mr. Wilson of W. presented the petition of Charles S. Lowe and others, praying for a State road from West Bedford in White county to Logansport in Cass county;

Which was referred to a select committee of Messrs. Wilson of W., Milroy and Fitch.

Mr. Stewart presented the petition of sundry citizens of Floyd county, praying for the repeal of the law, passed at the last session of the Legislature, locating a State road from Charlestown in Clark county to New Albany in Floyd county;

Which was referred to a select committee of Messrs. Stewart, Henley and English.

Mr. Henley also presented several petitions and remonstrances on the same subject;

Which were referred to the same committee.

Mr. Bennett presented the memorial of sundry citizens of this State, praying the repeal of the law on the subject of capital punishment;

Which was referred to the committee on the judiciary.

Mr. Morgan presented the petition of John Lewis and others, praying for the vacation of a certain State road therein named;

Which was referred to the delegation from Rush and Franklin counties.

Mr. Perry presented the petition of Merrit Hubbell and others, praying certain amendments to the law, in relation to common schools;

Which was referred to the committee on education.

Mr. Perviance presented the petition of Samuel H. Parnor and others, praying for the relocation of the county seat of the county of Blackford;

Which was referred to a select committee of Messrs. Perviance, Berkshire and Cooper.

Mr. Henley presented the petition of Peter Makowsky and accompanying petition of sundry of his neighbors, praying to be divorced from his wife Amanda;

Which was referred to the committee on the judiciary.

Mr. Cogswell presented the petition of Allen Cole, praying a change in a part of the Strawtown and Pendleton State road;

Which was referred to a select committee of Messrs. Cogswell, Atherton and Foster.

Mr. Foster, on leave granted, introduced

No. 123, a bill for the relief of Jones D. Conway of Hancock county;

Which was read three times (the rule being suspended) and passed.

Ordered, That Mr. Foster inform the Senate thereof.

Mr. Jackson presented the petition of John Harvey and others, praying the repeal of a law, passed at the last session for the location of a State road from Centreville in Wayne county via Jacksonburgh;

Which was referred to the committee on roads.

Mr. White presented the petition of James Chapman and others, praying the passage of a law exempting property under execution from sale, for less than two thirds of its appraised value;

Which was referred to the committee on the judiciary.

Mr. Milroy, presented the petition of William H. Buford and oth-

ers, praying that real estate may not be sold, under execution, for less than two thirds of its appraised value;

Which was referred to the committee on the judiciary.

Mr. Parker from the judiciary committee made the following report:

MR. SPEAKER—

The committee on the judiciary, according to order, have had under consideration a resolution of the House directing them “to inquire and report to this House, whether in their opinion the Fund Commissioners, and the President of the State bank of Indiana, are not legally and personally liable to the State for all State bonds sold upon credit to irresponsible persons, or corporations or otherwise,” and now

REPORT,

That they are not advised of its being a fact, that either the President of the State bank, or the Fund Commissioners, have sold any State bonds to irresponsible persons or corporations. Their opinion is, from all the intelligence they have been enabled to procure on the subject, that such was not the fact at the time of the sale of any of the State bonds, nor is it now. It is true, however, that bonds of the State, to a considerable amount, have been sold on credit, within the last year, in accordance with the practice of the State in this behalf, for several years past, as well as with the practice of most of the other States of the Union, and that the money has not been realized on those bonds, according to contract. But security, which is deemed ample, has been taken for the gradual and ultimate payment of that amount.— And it is believed that on the sale of those bonds, no loss will finally accrue to the State, unless the policy of the Legislature of this State, shall depreciate or render valueless those securities. And the committee are of the opinion that the cause of this failure lay beyond the reasonable forecast of the financier at the time of the negotiation of those bonds, and beyond the control of this or any other State of the Union.

On the 16th of December, 1835, the Fund Commissioners, reported to the Legislature the first sale of State bonds on credit. And from that time to the present, at each succeeding session, similar reports have been made, and no objection has been interposed by the Legislature or otherwise, so far as the knowledge of the committee extends. It is well known that no advantageous sale of State bonds can be made, except in amounts much larger than the wants of the State at the time of the sale. And whoever is at all acquainted with the stock operations of this country and Europe, is familiar with the fact that all important operations are almost invariably made upon time. The purchases of American securities in New York, are with very few exceptions, on European account. The securities pass from New York to London, and generally through some half dozen hands before they reach a permanent holder, and the purchase money becomes due.

The law under which the several loans have been made, limits the

rate of interest at six per cent. And it is believed there never has been a time, since 1832, when the first sale of bonds was made by the State, that any considerable amount could have been sold at that rate for cash in hand. And what good reason is there for wishing to make such sales? The supplemental act of Jan. 9th, 1832, providing means for the construction of the Wabash and Erie canal, points out the mode in which the Fund Commissioners *shall deposite the funds of the State*. And why is it not as expedient to leave those funds in the custody of the institutions which purchased the bonds, at an interest, for the State, of five, and sometimes six per cent., as to withdraw them, and place them in another, at a less profit? Such would be the consequence of the withdrawal. The presumption of safety, is certainly as strong in favor of that institution which has both credit and the funds for sale, as of that which has the credit without the funds. And the maxim is as true as it is venerable, that as the hands through which another's money passes, are multiplied, the amount of money decreases.

Of the entire amount of bonds heretofore sold by the state, only \$732,160 have been sold for cash in hand. And in this practice of selling bonds on time, Indiana is by no means singular. It has been, and still is, the universal practice of all the States that have sold bonds—and the practice is deemed *absolutely necessary*, if the bonds be sold at all, not only in this country, but in Europe. Such being the state of the facts, the question is:—Suppose the President of the State bank and the Fund Commissioners *have* sold the bonds of the State to irresponsible persons or corporations—which, as stated above is not the fact;—are they legally and personally liable to the state for the amount of the bonds so sold? As a general answer to this question, we say No—without hesitation. If it could be made to appear that they had not acted in good faith—or with ordinary diligence and caution—or in accordance with common custom in such negotiations—then they might be deemed guilty of a breach of their official bonds, and liable to the state for damages upon those bonds. It strikes the committee as being unreasonable to suppose, that the legislature or any sensible man, ever contemplated that for the paltry pittance of \$3 *per diem*, and expenses paid, whilst actually in the service of the State, the Fund Commissioners were to act as *endorsers* to the amount of millions, for the responsibility of all persons, natural and artificial, to whom they might, in good faith and with due diligence, negotiate the bonds of the State. Were such the obligation of a Fund Commissioner, such an officer certainly could not be found, unless he were so foolish as to render an experimental knowledge of that obligation very sure.

The President of the State Bank, and the Fund Commissioners, like a clerk of the circuit court or a justice of the peace, are State officers. Like them, they take oaths and execute bonds of office. If a clerk or justice, acting in good faith and with ordinary diligence and caution, accept replevin security, and before the judgment can be collected, both principal and security become in-

solvent and unable to pay the amount; if in such a case, we say, the clerk and justice are liable, then indeed the President of the State Bank and the Fund Commissioners might be liable in the case supposed. But it is believed that no lawyer who can get a licence without *forging* it, or sustain himself without great danger of being *disbarred for malpractice*, would entertain the idea for a moment, of instituting a suit against a clerk or a justice, personally, in such a case. Even a suit upon his official bond, would be wholly unavailing. The principle involved in the case put, is deemed perfectly analogous to the one referred to the committee—and hence it is hoped that the illustration, taken in connexion with the facts, will be satisfactory to the House.

Mr. Fitch moved to lay the report upon the table and that 200 copies be printed.

Mr. Henley called for a division of the question; and

The question being put, shall the report be laid upon the table? it was decided in the affirmative.

On the question shall two hundred copies of the report be printed? it was decided in the negative.

On motion of Mr. Bennett,

One hundred copies of the report were ordered to be printed.

Mr. Finch made the following report:

MR. SPEAKER—

The judiciary committee, to whom was referred a resolution of this House, directing an inquiry into the expediency of amending an act entitled “an act providing for a more uniform mode of doing township business in the several counties therein named,” approved Feb. 17, 1838, have directed me to report the same back to the House and recommend its reference to a select committee composed of members from the counties interested.

The report was concurred in and the resolution referred accordingly.

Mr. Fisher presented the following protest; which was ordered to be placed upon the journal, to wit:

The undersigned having voted against the bill entitled an act for the immediate relief of contractors and others engaged on the public works, which passed this House last night, do, in the exercise of their constitutional right, most solemnly protest against that measure.

1st. *Because*, it is an act of injustice to the contractors themselves, whose just claims, after long delay, and distress, are not to be paid in money, but in treasury notes, redeemable in two years with six per cent. interest, and consequently of much less value than money.

2nd. *Because*, it is an act of still more injustice to the laborers and farmers who have become the creditors of contractors, who will have to receive for their claims, the principal part of this paper and suffer the loss of depreciation.

3rd. *Because* the said treasury notes are to be of the denomination of five and of fifty dollars, and are intended for currency, and will exceed one million in amount so that, in addition to our present irredeemable bank notes, the State will be flooded with depreciated paper money.

4th. *Because* it will cause a permanent suspension of the Bank, by increasing the present circulation of the State so much beyond what can be maintained on a specie basis, thereby lessening the value of bank paper, and robbing the present holders thereof, of the amount of depreciation.

5th. *Because* it will disturb the relations of debtor and creditor, render the value of property uncertain, and subject the people to the power of speculators and capitalists.

6th. *Because*, in making the said treasury notes receivable for taxes and pledging all other moneys due to the State for their redemption, it leaves the treasury without any certain means of carrying on the State government itself, or of maintaining the public faith by paying the interest on the public debt.

7th. *Because*, by thus endangering the public faith to our creditors abroad, and violating it to contractors at home, the sense of honor and of justice is weakened in the community at large which is an evil more deplorable than any pecuniary sacrifice.

8th. *Because* it will enable the counties on lines of public works, where treasury notes were paid out, to pay their taxes in a medium more depreciated, than the currency in the other counties thus rendering taxation unequal, and throwing the heaviest burthens, on that portion of the people and country heretofore excluded from public expenditure.

9th. *Because* the assumption of a power by a State government, to supply the currency of the people by inconvertible State credit, is an unwarrantable usurpation of despotic control over the entire property of the country. The constitution of the United States which prohibits the States from making any thing but gold and silver a legal tender, and the common consent of mankind in making those metals the standard of value, have in fact made that principle part of the constitution of property itself, which the State government, is bound by every consideration of liberty and of right to hold sacred.

10th. *Because* the issue of treasury notes is furthermore a violation of the constitution of the United States which expressly prohibits the States from emitting bills of credit.

11th. *Because* this bill creates one currency for the people and the laborers, and another for office holders, this House having deliberately rejected a proposition to make said treasury notes payable to members of the legislature and other officers of government.

12th. *Because* no necessity was known to exist for such manifold violation of public principle and private right, the State having property, claims and credit, which there was reason to believe, might be con-

verted into money, to pay the contractors, without material sacrifice or delay.

13th. *Because* this bill was carried (though by a trifling majority) by moving the previous question and cutting off debate, when no reason existed why it should not be discussed, but on the contrary, every consideration ought to have dictated the utmost freedom of speech on a measure which stains the faith and credit of the State, wrongs the contractor and laborer, creates an unconstitutional currency, and violates the principles of every party and of the constitution.

E. FISHER,
L. G. THOMPSON,
R. BERKSHIRE.

Mr. Lancaster made the following report, to wit:

MR. SPEAKER—

The committee on corporations, to whom was referred the bill incorporating the city of Richmond in Wayne county, have had the same under consideration, and have directed me to report the same back to the House, with the following amendments made therein:

Said amendments were read; when

Mr. Lancaster moved that the House refuse to concur in the third amendment of the committee, limiting the tax on retailers of spiritous liquors, in said city, to not exceeding one hundred dollars per annum;

Which motion was decided in the affirmative.

The other amendments were then concurred in by the House.

The bill was then ordered to be engrossed for a third reading.

Mr. Long moved to take from the table, the report of the judiciary committee, made on Saturday last, on the subject of bill No. 76, for the formation of the county of _____ and for other purposes;

Which motion was decided in the affirmative, and the bill taken up accordingly.

Mr. Wilson of M. moved that the report of the committee be concurred in,

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Beckett, Bell, Bennett, Burke, Butler, Carleton of F., Davis Eccles, Farley, Finch, Fitch, Frisbie, Haddon, Hamer, Jackson, Jamison, Jenckes, Jones, Judah, McGaughey, Miller, Morgan, O'Neill, Parker, Robinson of J., Robinson of Ripley, Shiveley, Sweetser, Wilson of M., Woodard and Zenor—31.

Those who voted in the negative were:

Messrs. Albertson, Arnold, Atherton, Baker, Berkshire, Bowles, Buckles, Campbell, Carlton of L., Clark, Cogswell, Cooper, Dunn

Edmonson, English, Everts, Fisher, Foster, Garrigus, Henley, Herri-
man, Hull, Hunt of J., Hunt of R., Johnson, Lane, Lanius, Long,
McCormack, Milroy, Monroe, Moore of V., Morrison, Nelson of B.,
Nelson of M., Osborn of F., Osborn of U., Perry, Perviance, Porter,
Rippey, Robinson of Rush, Rush, Sands, Shields, Southard, Spann,
Stewart, Thompson, Warriner, Wheeler, White, Wilson of W., Wor-
ster and Mr. Speaker—54.

So said report was not concurred in.

On motion of Mr. Long,

The report and bill were referred to a select committee.

Ordered, That Messrs. Long, Wheeler and Shiveley compose said committee.

Mr. Monroe asked leave of absence for Mr. Hamblen, on account of sickness; which leave was granted by the House.

Mr. Judah offered the following protest; which was ordered to be entered upon the Journal, to wit:

The undersigned protest against the passage of the act entitled "an act for the relief of contractors and others, passed on yesterday evening, for many causes, of which the following are some:

It authorizes the issue of Treasury Notes to the amount of \$1,500,000, which notes are made receivable for taxes and all debts due the State, within the State at least. Consequently these notes will be receivable in addition to taxes, for all debts due to the school funds, to the college fund, to the sinking fund, including the bank stock mortgages, the principal and interest of all canal lands, the principal and interest of the debts due the surplus revenue fund, for the Lawrenceburgh rail road mortgages and for rents of water power.

Hence, the school funds, the college fund, and the surplus revenue fund will be sunk in these Treasury notes, in other words loaned to the State.

The whole amount of State revenue will be paid into the Treasury in these notes, and thus the State for the next two years will be deprived of all means for the payment of the ordinary expenses of the State as well as for interest on State bonds, at the same time that all other resources within the State for the payment of interest are cut off.

If it is said that the interest on the State bonds may be paid by the proceeds of the sale of the Cohen compromise property, and by the collection of the debts due from the Morris canal and from other New York banks; it is answered that the compromise property was received at a valuation, whilst such property was held at speculation prices, at \$285,000, and has since cost the State a large additional sum. If this property is retained it will hereafter pay cost and interest, but if now sold will only produce a small sum compared with the cost, not more than half, if so much—again, if this bill becomes a law, the value of our bonds must still further depreciate and in that case the payments now promised by the Morris canal and other New York banks, both on account of the improvement loan and State bank loan

will not be made. The banks which owe this money, expect to realize the means of payment from a sale of the bonds for which the debt is due. If then, the State of Indiana by its own legislation, disables itself from the payment of interest, or entangles its finances in inextricable confusion, and thus causes the value of its bonds greatly to depreciate, can it expect that the debtor banks will put up with the loss, even if able to do so? would justice itself require of them to do so? to put up with great losses induced by the acts of the other party? Surely not.

Hence, we may expect that the banks which owe the sum of \$1,700,000 of improvement funds and the \$1,000,000 of bank funds will return to us our bonds instead of making any further payment; or else will fail to pay entirely, and these large sums will be lost.

This bill further will entail on the State a system of speculation and plunder, which will continually make the rich man richer and the poor man poorer, and subject the whole State to the mercy of shavers and speculators.

W. B. BUTLER,
R. M. COOPER,
J. F. ALLISON,
SAMUEL JUDAH,
ABIJAH O'NEALL,
J. P. COX,
JOHN OSBORN,
JESSE MORGAN.

Mr. Fitch made the following report:

MR. SPEAKER—

The select committee to whom was referred "so much of the Governor's Message as relates to the past and present policy of the General Government, in connection with the embarrassed condition of our financial affairs," having had the subject under consideration, the majority have directed me to make the following report:

The committee considering it to have been the *spirit* of the Message, so far as it has reference to the "past and present policy of the General Government," equally with any particular paragraph, which was referred to them under the resolution, have deemed it their more proper course to view it as a whole, as well as to select for special consideration, detached sentences. The Governor assumes, in the commencement of his message, that he is unable to make any "acknowledgement" to "those who have for years controlled the political fortunes of this great nation" for benefits derived, favours conferred, or prosperity advanced. From making such "acknowledgement" he is "most solemnly forbid," preferring to attribute to those who have thus controlled our national political fortunes, "the deranged and ruined currency, universal prostration of credit and confidence, the deep and unmitigated pecuniary distress which is now visiting, or threatening to visit every class of our late prosperous community." Subsequently apparently with a view of sustaining that assumed posi-

tion he informs us that the people of Indiana,⁶ "since 1834 and up to the 1st September 1838" have purchased of the General Government, "6,961,573 acres of land" paying for the same 8,701,966 dollars. Thus contributing, to use his language, "to the support of the General Government, for the last four years, at the ruinous rate of 2,000,000 of dollars a year, and," he triumphantly asks, "what returns has she had for it and for the millions paid before?" His own answer, which he probably expected to be satisfactory, so contemptible appears to have been his opinion of the mental accuteness of the people at whose head he is placed, is, two vetoes, and "a refusal to make an appropriation on the Cumberland road." Against the correctness and truth of this answer, although coming as it does from a high quarter, we humbly beg leave to enter our protest. That the people of Indiana have purchased that amount of land is a statement which cannot for a moment be maintained, it being notoriously undeniable that a very large portion of the land has been entered by emigrants from other States; who so far from having drained it from our state to purchase their homes, have brought with them large sums of money, in addition to their industry, by which a vast and flourishing country within our borders, has been reclaimed from the red-man, and is yearly adding to our population and agricultural wealth.⁷ To prove this, it is only necessary to refer to the rapid increase of taxable polls within the period mentioned—in two years of which (1836-7) we find that increase to have been 20,711, a very considerable proportion of which must necessarily have been from abroad. Even admitting that our own citizens had paid the entire 8,701,966 dollars the Governor's conclusion by no means follows that we have obtained for it nothing but vetoes and a refusal to appropriate. If we had nothing else, we have at least the lands, which will at the lowest computation, average now \$5 per acre, amounting to 34,807,865 dollars, much of which now is and all of which soon will be taxable, yielding at the present per centum of tax about 90,000 dollars annual revenue to the State, without allowing for the constantly increasing value of the land,—an increase more than equal to 100 per cent. every ten years for the first quarter of a century. It is but recently that the Governor has considered this purchase of land from the General Government as contributing "at a ruinous rate" to its support. His views of this matter would appear to have undergone a remarkable change since 1836, at which time in his inaugural address, he summed up the quantity of lands purchased from the U. States, within this state, for the last four years, and informed us that it would swell the tax list of 1841 better than 7 millions of acres above that of 1836:—then asks, "is not this a most animating result? Could our prospective advancement in all the substantial elements of wealth be presented in bolder relief?" Alas! "a change has come over the spirit of his dream" since it became necessary to avoid the responsibility—the risk of incurring the consequences of his own and party's schemes, which have resulted so disastrously. Besides these lands, we have received from the General

Government of College lands, 46,080 acres, of Saline lands 23,040 acres, for Seat of Government 2,560 acres, for Michigan road 169,600 acres, for Wabash and Erie Canal 355,200 acres, School lands (16th Sections) 640,000 acres—in all 1,236,480 acres—which at the same average, (\$5 per acre) although it will double that now, gives us 6,182,400 dollars. We have received likewise from the same source of Surplus revenue 860,254 dollars, of 3 per cent. fund 472,631 dollars, for Cumberland road within this State, say 500,000 dollars, for Michigan City Harbor 60,000 dollars, making a grand aggregate of 42,883,150 dollars.

Let his Excellency deduct any amount which his ingenuity can charge to "those who have for years controlled the political fortunes of this great nation" and strike the balance for or against this State! He further informs us that "during the same period there have been brought into the State and expended for internal improvement purposes, a little rising five millions of dollars, three millions less than the amount paid out for land," and his "object in stating these facts is simply to show the people where their money has gone to, and why it is that we hear from every quarter of the State, the cry of its exceeding great scarcity." This is a wrong conclusion from false premises. Every individual engaged to any extent upon our public works, or at all conversant with the manner in which the financial affairs of the "system" have been conducted will bear evidence to the truth of the assertion that not one third of five millions has ever "been brought into the State and expended for internal improvement purposes." It has been deposited in the eastern cities where borrowed, subject to draft, and the drafts procured by our merchants and others to pay their eastern debts, the money thus remaining where it was borrowed, never reaching the hands of our people in any large amount. As he did not "state facts" so he did not draw correct conclusions, in implying that this internal improvement money had reached the coffers of the General Government in payment for lands. He has failed to truly "show the people where their money has gone to," though that failure arose, doubtless, from no want of the necessary knowledge, but from an overweening anxiety to throw an oblivious veil over the past acts of himself and party, and conceal their destructive consequences. Had he correctly told the people "where their money had gone to," he would have told them it had gone for the payment of interest to eastern stock-jobbers and swindling corporations, interest on bonds sold by his official friends, interest on an amount of principal, much of which we never have and probably never shall obtain. His enumerating "a refusal to make an appropriation on the Cumberland road" among the acts direct or remote of the General Government, exhibits a disregard of facts which it would be charitable to attribute to ignorance, as he must have known, in common with every citizen of the State, that it was from want of necessary exertion and from the speeches against time of some of our then so prolific representatives in congress that the appropriation was lost.

Overtrading and speculation have done their part and much towards producing our present overwhelming pecuniary distress, but they were never encouraged directly or indirectly by the action of the General Government, legislative or executive. On the contrary the specie circular was calculated and expressly intended to operate as a check upon both, which it effectually did. Admitting then all the embarrassment which could possibly arise from those causes, (and after all their effects must be developed in persons, not in sovereign States,) we find in them a cause only for a small share of the distress among isolated individuals, and even that cause unconnected with the policy, "past or present" of the General Government, not, as his Excellency would fain have us believe, attributable, in any manner of degree, to that policy. This individual distress, though to be regretted, is not that of which we are now so loudly complaining. It is not the distress, the ruin of the improvident speculator we mourn, but that which is universal, affecting alike the cautious man of business, and the reckless spendthrift which brings want alike to the professional man, the enterprising State creditor (contractors) and the hardy tiller of the soil. It is this distress, the cause of which we are now investigating, and which his Excellency by a wholesale "jumping at conclusions" finds in Washington City. This pecuniary embarrassment is not only that of an entire population, but of a State in its sovereign capacity, not only of the individuals composing it, but of the aggregate. It prevails no where else than in this State to the same alarming extent. Surely then according to the Governor's forced conclusions, the General Government must have drawn invidious distinctions, must have had some peculiarly hostile motive for hurling more of its pecuniary curses at this devoted State than at others. Why have we not been informed of those motives? Is it because they exist no where except in the prolific imagination of our State Executive?

Most of our individual, all of our State embarrassment is attributable immediately to the enormous interest which we are compelled to pay upon money borrowed, and money unavailable, or *lost*. We find our total annual interest for money borrowed for the "system" to be, 301,600 dollars, of this about 107,700 dollars is paid upon principal unavailable, much of which has gone to the tomb of the Capulets, lost, irrecoverably lost, and we have the encouraging prospect of the annual payment of interest upon it for 22 years; thus annually paying a sum of interest exceeding by near \$20,000, the entire cost of our State Government and Judiciary, the principal of which we have not, and may never have the benefit. This borrowed money and *money which was to have been borrowed*, but unfortunately *is lost*, was negotiated for the construction of a *glorious* system of internal improvement, concocted in 1835, matured in 1836, recommended by his predecessor, supported in all its ultraism, its simultaneous progression by his Excellency himself. Without now seeking to know or caring with what particular political party this system originated, we do know (and this is all we care to know in the present inquiry) that the Governor and his friends acting with him,

insisted in 1836—7 and 8 upon keeping this system as it was, all the works progressing at one and the same time, crying down all efforts to bring it within the means of the State by classifying; their motto was “pull not up a stake, nor change a stake;” as it is, so let it remain. He says in his inaugural address in 1837, of the doctrine of classification, that the effort to apply it to the system will produce “a division of friends, the clashing of adverse interests; in a word, the utter prostration of the whole system. Believing that such would be the result of its adoption, I have heretofore, on all fit occasions, declared publicly to my fellow citizens, *my decided hostility* to it, and I have now only to add, that I have seen nothing since to justify a change.”

‘This money so negotiated, that part at least which has been obtained, was expended in strict accordance with the then ruling party’s views. They would appear to have designedly selected places for operation the most remote from each other, and from any connecting link which could make them useful. Of \$3,514,790 expended, only \$476,322 is available in any manner—the remainder useless and likely to remain so for many years; even if ever so far useful as to be profitable, and pay the interest upon the money expended. The effects are but too sadly developed. Here and there an isolated peice of ditch, a mill-tail, roads obstructed with loose rock, forests filled with half hewed timber, fences thrown to the ground, unseemly, unfinished embankments, half completed excavations, with the deceived and insulted farmer with long face and empty purse overlooking the whole scene of devastation, these form but a small share of the wretched effects of this wretched policy. Yet upon the money thus squandered to deface farms and inundate villages, we are paying annually and must pay for 22 years 391,600 dollars interest in addition to \$82,600 to superintend and prevent these *splendid* works from going to decay! It appears, however, that for a large amount of this we have not even the poor satisfaction of pointing to unfinished canals and roads, and for much of it, not even to that most gigantic of all modern State improvements, a soap and candle factory!” nor yet to water lots whose depth below the surface of this footstool can be sounded with a five fathom line, *if the tide is out!* No! not even this satisfactory method is permitted us to account for the expenditure of the principal of much of this amount, but we are reduced to the necessity of paying it as interest on *nothing*. By whose fault, whose want of capacity was the principal upon which this interest is paid lost to the State? According to the Governor’s logic it must have been the fault of the General Government, but according to the “facts and evidences” in the case and to the dictates of common sense, it must have been his, and that of his blind party satellites. The fund commissioners are officers of his recommendation, ay! of his creation, and as such he is indirectly accountable for any malfeasance in office, any neglect of duty of which they may be guilty; and more especially is he accountable, strictly and directly for any want of capacity which they may display, it being his undoubted duty to select individuals of whose ability to discharge

the duty devolving upon them there could be no reasonable doubt. *Has this been done?* Let the ruined credit, the broken faith, the unpaid debts and unfinished works of Indiana answer. With a former credit abroad for millions, with an ability to command a ready sale of her bonds for cash, they have been (unauthorized by law) sold on long and unusual time, without adequate security, to individuals of doubtful solvency, and an institution almost universally distrusted in the commercial world, whose stocks, usually below par, commanded at the time of the negotiation of our last loan, less than 60 per cent., and are now unsaleable at 23 per cent. After the failure of such institution to meet its engagements, after the probable transfer of our bonds to some more favored creditor, they take as payment of the debt, or security for its ultimate payment some years hence, certain swamp lots, dilapidated factories, and stocks in fancy rail roads. Yet we are gravely informed by our Governor in an annual message to a legislative body, which message is expected to set forth *truly* without deceit or disguise, the condition of the State, and the causes which have led to that condition if unfavorable, we are told in such message, that the effects of this miserable mismanagement, for which a private individual would justly incur insolvency, are attributable to the action of the executive of the United States. Truly a most logical conclusion from such premises!! Candor is a commendable feature in the character of all men, and more particularly of those in high public station, when treating of public measures. A greater display of it in his excellency's message would probably have expedited legislation and certainly saved his motives from the imputation of selfishness, and a studied effort to conceal the consequences of the mal-administration of State affairs by himself and his official friends. Without presuming to dictate a course to any public officer, we suggest that it would have been more consonant with truth, with justice and with that mutual confidence which should ever subsist between the executive and legislative branches of a republican government, for his excellency to have candidly admitted the causes of our distress, and given us the aid of his knowledge and experience in recommending the remedies. Sorry are we to observe a disposition manifested so directly the reverse of what the legislature and the State had a right to expect of its ruler; a disposition to shun the responsibility of his own acts and those of his party friends, to paint the *consequences* in glowing colors, but conceal the *causes*, or disingenuously point to others entirely foreign.

G. N. FITCH, Chairman.

The report was ordered to be laid upon the table; and

On motion,

One thousand copies were ordered to be printed.

On motion,

The House adjourned until two o'clock P. M.

Two o'clock, P. M.

The House met pursuant to adjournment.

Mr. Morrison made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of sundry citizens of Washington county, praying for the election of a justice of the peace and constable, in the town of Canton, in Washington township, have had the same under consideration, and have directed me to report the following bill, viz:

No. 124, a bill to provide for the election of a justice of the peace and constable, in the town of Canton, in Washington county;

Which was read the first time and passed to a second reading.

Mr. Eccles made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of sundry citizens of Morgan and Johnson counties, praying that the county road leading from Martinsville, in Morgan county to Franklin, in Johnson county, by the way of the head of Stott's creek, may be established a State road, have, according to order, had the same under their consideration, and have directed me to report the following bill, viz:

No. 125, a bill to establish a State road therein named;

Which was read a first time and passed to a second reading.

Mr. Dunn made the following report:

MR. SPEAKER—

The select committee to whom was referred,

No. 19, a bill to repeal so much of an act, entitled "An act providing for a more uniform mode of doing township business, in the several counties therein named, as relates to the county of Clinton," have had the same under consideration, and have directed me to report the same with amendments.

On motion,

The report of the committee was concurred in, and the bill ordered to be engrossed for a third reading.

Mr. Jenckes made the following report:

MR. SPEAKER—

The select committee, to which was referred the petition of Alexander Thompson and others, of Sugar creek township, Vigo county, praying for an additional justice of the peace, have had the same under consideration, and instructed me to report the following bill, to wit:

No. 126, a bill to provide for the election of a justice of the peace, in the town of Martinsville, in Vigo county;

Which was read the first time, and passed to a second reading.

Mr. Burke made the following report:

MR. SPEAKER—

The select committee, to which was referred the resolution inquiring into the expediency of altering the seventh section of an act, entitled "An act incorporating the Richmond and Boston Turnpike Company, have had the same under consideration, and beg leave to report the following bill, to wit:

No. 127, a bill to amend an act, entitled "an act incorporating the Richmond and Boston Turnpike Company, approved February, 15th, 1839;

Which was read the first time, and passed to a second reading.

Mr. Everts made the following report:

MR. SPEAKER—

The committee, to whom was referred so much of the Governor's Message as relates to the public works, at Michigan City, have had the same under consideration, and instructed me to report the following memorial and joint resolution, to wit:

No. 128, a memorial and joint resolution, asking a further appropriation, for the prosecution of the public works at Michigan City.

Which was read a first time, and passed to a second reading.

Mr. Osborn of C. made the following report:

MR. SPEAKER—

The select committee, to whom was referred the petition of sundry citizens of Clay county, praying that John Tipton Wheeler, a minor, be authorized to convey certain real estate, have had the same under consideration, and have directed me to report the following bill, viz:

No. 129, a bill to authorize John T. Wheeler, a minor, to sell certain real estate;

Which was read a first time, and ordered to a second reading.

Mr. Wilson of W. made the following report:

MR. SPEAKER—

The select committee, to whom was referred the petition of John S. Love and others, upon the subject of a State road, to be located in the counties of White and Cass, have, according to order, had the same under consideration, and have directed me to report the accompanying bill, in accordance with the prayer of the said petitioners, and to recommend its passage, to wit:

No. 130, a bill to locate a State road in the counties of White and Cass;

Which was read a first time, and passed to a second reading.

On motion of Mr. Carlton of L.,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of so amending the act, entitled "An act regulating the jurisdiction and duties of justices of the peace;" approved February 17th, 1838, and also an act relating to county seminaries; approved February 17th, 1838; as to make it the duty of justices of the peace in the several counties of this State, to make reports in writing, to the circuit courts of their respective counties, on the first day of each term of said court, setting forth clearly and succinctly, the names of all persons against whom fines have been assessed, preceding said term of the court, together with the amount and cause thereof; and pay over to the clerk of said county, all fines by them collected: which report shall be sworn to in open court, by said justices of the peace, and entered on record by the clerk of said court; which said clerks shall immediately pay over to the trustee of the county seminary of the proper county, all such sums of money by them so received for the use of such sominary.

On motion of Mr. White,

Resolved, That the House will proceed on Monday next, the 19th inst. at two o'clock, P. M., (the Senate concurring therein,) to elect two directors of the State Bank, to fill the vacancies occasioned by the resignation of L. H. Scott, and the expiration of Calvin Fletcher's term of office.

On motion of Mr. Conaway,

Resolved, That the judiciary committee be be instructed to examine what amendments are necessary to the act regulating the practice in suits at law, so as to authorize the special bail in any civil action to surrender the principal, at any time in vacation, either before judgment against the principal or after, or before judgment, against the bail, and to have a bail piece for that purpose to any other State; and to report by bill or otherwise.

On motion of Mr. Sweetser,

Resolved, That the judiciary committee report to this House, their opinion, whether power can be delegated to corporations to ~~arrest~~

their by-laws, or penalties for breaches of their charters, by action of debt.

On motion of Mr. Conaway,

Resolved, That the judiciary committee be instructed to inquire into the expediency of so amending the act relative to foreign attachment, as to require the clerk of the circuit court to cause publication to be made of the suing of such writ, immediately on the filing of the affidavit of the plaintiff; and that said writ be made returnable to the first day of the next term of said court; and to report by bill or otherwise.

Mr. Jones offered for adoption the following resolution:

Resolve 1, That the committee on canals and internal improvements be instructed to inquire into the expediency of providing (as early as the State may be able) for an obligatory classification of all the public works of this State, through and by the Board of Internal Improvement, taking into consideration, first, that work which will yield the greatest amount of revenue, at the earliest time, and require the smallest amount of funds to complete it; and which may be completed in the shortest time. Nothing in this resolution shall be so construed, so as to include the Wabash and Erie canal or her funds.

Mr. Bennett moved to add the following; which was accepted by Mr. Jones as a part of his resolution. to-wit:

"And also into the propriety of offering to incorporated companies, the privilege of taking and constructing such portions of the public works, as the State may be unable to complete, with provisions according to the plan adopted by Ohio.

Mr. Eccles moved to strike out of the resolution the words, "Board of Internal Improvement," and insert the word "Legislature"—giving to the Legislature the power of classifying the public works.

And the ayes and noes being requested thereon by Messrs. Eccles and Jones,

Those who voted in the affirmative were:

Messrs. Albertson, Allison, Bennett, Buckles, Carlton of L., Eccles, Fisher, Fitch, Frisbie, Haddon, Henley, Herriman, Hunt of R., Jamison, Lane, Jenckes, McCoy, Miller, Moore of O., Osborn of C., Osborn of U., Perry, Robinson of Ripley, Robinson of Rush, Rush, Sands, Shields, Southard, Stewart, Wheeler, White, Wilson of W., Worster, Zenor and Mr. Speaker—25.

Those who voted in the negative were:

Messrs. Arnold, Atherton, Baker, Beckett, Bell, Berkshire, Bowles, Burke, Butler, Campbell, Carleton of F., Clark, Coats, Cooper, Cox, Davis, Dunn, Edmonson, English, Everts, Farley, Finch, Flint, Foster, Garrigus, Hamer, Hull, Hunt of J., Jackson, Jenckes, Johnson, Jones, Judah, Lancaster, Lee, Long, Milroy, Monroe, Montgomery,

Moore of V., Morgan, Nelson of B., Nelson of M., O'Neill, Osborn of F., Parker, Perviance, Porter, Rippey, Robinson of J., Shiveley, Spann, Sweetser, Thompson, Warriner, Wilson of M. and Woodard—57.

So said amendment was not adopted.

Mr. Rippey moved to amend by adding the following:

“And further to inquire into the expediency of authorizing the counties immediately interested in the construction of the several works to construct such works respectively, by the payment of an additional amount of tax sufficient to pay the interest on State bonds which may be disposed of for additional appropriations on such works respectively: and of pledging the several works for the ultimate payment of the amount they may ultimately cost.”

On the question, Shall said amendment be adopted? it was decided in the negative.

Mr. Hamer moved to amend the resolution by adding the following, to-wit:

“That the original appropriation, by the act of 1836, included in the ten million loan, be laid out on each work, as appropriated, before classification takes place.”

And the ayes and noes being requested thereon by Messrs. Hamer and Jones,

Those who voted in the affirmative were:

Messrs. Bell, Buckles, Butler, Carleton of F., Carlton of L., Cox, Eccles, Farley, Flint, Hamer, Herriman, Jenckes, Lee, Monroe, Moore of O., Morrison, Nelson of M., Osborn of C., Rippey, Shiveley and Stewart—23.

Those who voted in the negative were:

Messrs. Albertson, Allison, Arnold, Atherton, Baker, Beckett, Bennett, Berkshire, Bowles, Burke, Campbell, Clark, Coats, Conaway, Cooper, Davis, Dunn, Edmonson, English, Everts, Finch, Fisher, Fitch, Foster, Frisbie, Garrigus, Haddon, Henley, Hull, Hunt of J., Hunt of R., Jackson, Jamison, Johnson, Jones, Judah, Lane, Lancaster, Lanius, Long, McCoy, Miller, Milroy, Montgomery, Moore of V., Morgan, Nelson of B., O'Neill, Osborn of F., Osborn of U., Parker, Perry, Perviance, Porter, Robinson of J., Robinson of Ripley, Rush, Sands, Shields, Southard, Spann, Sweetser, Thompson, Warriner, Wheeler, White, Wilson of M., Wilson of W., Woodard, Worster, Zenor and Mr. Speaker.—72.

So said amendment was not adopted.

Mr. Bowles moved to amend, by adding the following:

“That classification shall in no case affect the original appropriation to the several works in this State.”

On the question, Shall said amendment be adopted? it was decided in the negative.

Mr. Long moved to strike out of the resolution the words, "inquire into the expediency," and insert the words "report a bill," &c.;

Mr. Bowles called for a division of the question, and the question being put on striking out,

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Allison, Arnold, Baker, Beckett, Berkshire, Burke, Cooper, Cox, Davis, Dunn, Eccles, Edmonson, English, Farley, Finch, Fisher, Foster, Hull, Hunt of J., Jackson, Johnson, Jones, Judah, Lancaster, Long, Miller, Montgomery, Morgan, O'Neill, Osborn of C., Osborn of F., Parker, Perviance, Robinson of J., Shiveley, Sweetser, Thompson, Wilson of M., and Woodard—40.

Those who voted in the negative were:

Messrs. Albertson, Atherton, Bell, Bennett, Bowles, Buckles, Butler, Campbell, Carleton of F., Carlton of L., Coats, Conaway, Everts, Fitch, Flint, Frisbie, Garrigus, Haddon, Hamer, Henley, Herriman, Jamison, Jenckes, Lane, Lanius, Lee, McCoy, Milroy, Monroe, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of U., Perry, Porter, Rippey, Robinson of Ripley, Robinson of Rush, Sands, Shields, Southard, Spann, Stewart, War-riner, Wheeler, White, Wilson of W., Worster, Zenor and Mr. Speaker—53.

Mr. Moore of O. moved to lay the resolution on the table,

And the ayes and noes being requested thereon, by Messrs. Jones and Judah,

Those who voted in the affirmative were:

Messrs. Atherton, Bell, Buckles, Butler, Campbell, Carleton of F., Carlton of L., Clark, Davis, Eccles, Farley, Fisher, Frisbie, Garrigus, Haddon, Hamer, Herriman, Jenckes, Johnson, Lanius, Lee, Moore of O., Osborn of C., Perry, Rippey, Robinson of Rush, Rush, Shields, Shiveley, Stewart, Wheeler and White—33.

Those who voted in the negative were:

Messrs. Albertson, Allison, Arnold, Baker, Beckett, Bennett, Berkshire, Bowles, Burke, Coats, Conaway, Cooper, Cox, Dunn, Edmonson, English, Everts, Finch, Fitch, Foster, Henley, Hull, Hunt of J., Hunt of R., Jackson, Jamison, Jones, Judah, Lane, Lancaster, Long, McCoy, Miller, Milroy, Moore of V., Morgan, Morrison, Nelson of B., Nelson of M., O'Neill, Osborn of F., Osborn of U., Parker, Perviance, Porter, Robinson of J., Robinson of Ripley, Sands, Southard, Spann, Sweet-ser, Thompson, Wilson of M., Wilson of W., Woodard, Worster, Zenor and Mr. Speaker—57.

So the resolution was not laid upon the table.

On the question, Shall said resolution, as amended, be adopted?

And the ayes noes being requested thereon, by Messrs. Jones and Judah,

Those who voted in the affirmative were:

Messrs. Albertson, Arnold, Baker, Beckett, Bennett, Berkshire, Burke, Coats, Conaway, Cooper, Cox, Dunn, Edmonson, English, Farley, Finch, Fitch, Flint, Foster, Haddon, Henley, Hull, Hunt of J., Hunt of R., Jackson, Jamison, Johnson, Jones, Judah, Lane, Lancaster, Long, McCoy, Miller, Milroy, Montgomery, Morgan, Nelson of B., Nelson of M., O'Neill, Osborn of F., Osborn of U., Parker, Perviance, Porter, Robinson of J., Robinson of Ripley, Sands, Shiveley, Spann, Sweetser, Wilson of M., Woodard, Zenor and Mr. Speaker—53.

Those who voted in the negative were:

Messrs. Allison, Atherton, Bell, Bowles, Buckles, Butler, Campbell, Carleton of F., Carlton of L., Clark, Davis, Eccles, Everts, Fisher, Frisbie, Garrigus, Hamer, Herriman, Jenckes Lanius, Lee, Monroe, Moore of O., Moore of V., Morrison, Osborn of C., Perry, Rippey, Robinson of Rush, Rush, Shields, Southard, Stewart, Thompson, Wheeler, White, Wilson of W. and Worster—38.

So said resolution was adopted.

On motion of Mr. Shields,

Resolved, That the judiciary committee be requested to inquire into the expediency of so amending the existing law, relative to the powers and duties of constables, as authorize a constable, having an execution against any person or persons, which is repleviable, to take a bond conditioned for the stay of execution, from such person or persons, with approved security; which bond shall be appended to and make a part of his return, and shall have the same force and effect as a recognizance of replevy duly entered on the docket of the justice of the peace, issuing such execution.

A message from the Senate by Mr. Gorman their enrolling Secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that the Senate have passed an engrossed bill thereof, No. 123, entitled "an act for the relief of James Conaway of Hancock county without amendment.

On motion,

The House adjourned until to-morrow morning at nine o'clock.

WEDNESDAY MORNING, JANUARY 15, 1840.

The House met pursuant to adjournment.

The Speaker laid before the House, a report from Noah Noble, President of the Board of Internal Improvement, in answer to a resolution of the House, on the subject of the amount of money expended on the White Water canal, between Brookville and the Ohio river since the 3d of December 1838, for repairs, tow-bridges, &c.

On motion,

Said report was referred to the committee on canals and internal improvements, and one hundred copies ordered to be printed.

The Speaker laid before the House, the petition of George Bently, School township trustee of Harrison county, on the subject of amending the school law;

Which was referred to the committee on education.

Mr. Fitch, (the rule being suspended) introduced the following preamble and resolutions, to wit:

Whereas this Legislature did, on Monday last, in the conscientious discharge of a duty devolving upon it and with a sincere desire of *honestly* paying an *honest* debt, pass an act entitled "an act for the immediate relief of contractors and others engaged on the public works;" and *whereas*, two of its members, Mr. Fisher and Mr. Judah, each respectively, presented, on yesterday, protests against the passage of said act, setting forth in such protests, matters, not warranted either by the letter or spirit of said act, as connected with or arising from it—imputing to the majority which passed said act, an unwarrantable and unauthorized assumption of power—making assertions relative to its passage not strictly in accordance with the facts of the case—playing a forced construction upon it, presuming by such construction, the Treasury Notes created by the act to be receivable in payment of all debts due the state, not only directly, but *indirectly*, and in payment of some not strictly due it at all, thereby including the School fund—the college fund—the Wabash and Erie canal fund—the sinking fund and other specific funds, which, not being debts due the State, but due specific funds for specific purposes, to which purposes they have been heretofore appropriated by the Congress of the United States, or by the Legislature of this State and for carrying out which purposes the State is but the agent, ARE NOT intended by this House, nor contemplated by that act as the debts for which those notes are receivable:—Therefore,

Resolved, That the first of such protests is inconsistent with the previous course of the member presenting it, inasmuch as it protests against certain features in said act which himself assisted in embodying in it by voting for them.

Resolved, That the second of said protests objects against the act, propositions which it does not contain, and construes it in a manner which neither its language, its spirit, the known intention of its framers, nor the action of this House upon it, intend or justify.

Resolved, That while we cherish the right of protesting on the part of a minority, against any measure, we believe such protests should ever be couched in language indicating a decent regard for the wishes, opinions and motives of the majority.

Mr. Hunt of R. moved that the preamble and resolutions be laid upon the table,

And the ayes and noes being requested thereon by Messrs. Hunt of R., and Judah.

Those who voted in the affirmative were:

Messrs. Allison, Atherton, Baker, Beckett, Bell, Bennett, Berkshire, Buckles, Burke, Butler, Campbell, Cooper, Cox, Cutter, Dunn, Everts, Finch, Fisher, Flint, Hamer, Hunt of R., Jackson, Jamison, Jenckes, Judah, Lancaster, Montgomery, Morgan, O'Neill, Parker, Perviance, Robinson of J., Robinson of Ripley, Spann, Sweetser, Thompson, Wilson of M., Woodard and Zenor.—40.

Those who voted in the negative were:

Messrs. Albertson, Bowles, Carlton of L., Clark, Coats, Cogswell, Conaway, Davis, Eccles, Edmonson, English, Fitch, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamblen, Henley, Herriman, Hull, Hunt of J., Jones, Lane, Lanius, Lee, Long, McCoy, Miller, Milroy, Monroe, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of F., Osborn of U., Perry, Porter, Rippey, Robinson of Rush, Sands, Shields, Shiveley, Stewart, Warriner, Wheeler, White, Wilson of W., Worster, and Mr. Speaker—52.

So said preamble and resolution were not laid upon the table.

Messrs. Farley, McCormack, McGaughey, and Southard were excused from voting.

Mr. Montgomery moved that the preamble and resolutions be indefinitely postponed;

And the ayes and noes being requested thereon by Messrs. Judah, and Montgomery,

Those who voted in the affirmative were:

Messrs. Allison, Atherton, Baker, Beckett, Bell, Bennett, Berkshire, Buckles, Burke, Butler, Campbell, Coats, Cooper, Cox, Cutter, Dunn, Everts, Finch, Fisher, Flint, Hamer, Hunt of R., Jackson, Jamison, Jenckes, Jones, Judah, Lancaster, Montgomery, Morgan, O'Neill, Parker, Perviance, Robinson of J., Robinson of Ripley, Rush, Spann, Sweetser, Thompson, Wilson of M., Woodard and Zenor—42.

Those who voted in the negative were:

Messrs. Albertson, Bowles, Carlton of L., Clark, Conaway, Davis, Eccles, Edmonson, English, Fitch, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamblen, Henley, Herriman, Hull, Lane, Lanius, Lee, Long, McCoy, Miller, Milroy, Monroe, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of F., Osborn of U., Perry, Porter, Rippey, Robinson of Rush, Sands, Shields, Southard, Stewart, Warriner, Wheeler, White, Wilson of W., Worster and Mr. Speaker—48.

So said preamble and resolutions were not indefinitely postponed.

Messrs. Carleton of F., Hunt of J., Johnson and M'Gaughey were excused from voting.

On the question, Shall said preamble and resolutions be adopted?

The ayes and noes being requested thereon by Messrs. Judah and Montgomery,

Those who voted in the affirmative were:

Messrs. Albertson, Arnold, Bowles, Carlton of L., Clark, Conaway, Davis, Eccles, Edmonson, English, Fitch, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamblen, Henley, Herriman, Hull, Lane, Lanius, Lee, Long, McCoy, Miller, Milroy, Monroe, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of F., Osborn of U., Perry, Porter, Robinson of Rush, Sands, Shields, Southard, Stewart, Warriner, Wheeler, White, Wilson of W., Worster and Mr. Speaker—48.

Those who voted in the negative were:

Messrs. Allison, Atherton, Baker, Beckett, Bell, Bennett, Berkshire, Buckles, Burke, Butler, Campbell, Coats, Cooper, Cox, Cutter, Dunn, Everts, Finch, Fisher, Flint, Hamer, Hunt of R., Jackson, Jamison, Jenckes, Jones, Judah, Lancaster, Montgomery, Morgan, O'Neill, Parker, Perviance, Robinson of J., Robinson of Ripley, Rush, Shiveley, Spann, Sweetser, Thompson, Wilson of M., Woodard and Zenor—43.

So said resolutions were adopted.

Messrs. Carleton of F., Cogswell, Farley and Johnson, were excused from voting.

Mr. Morrison made the following report:

MR. SPEAKER—

The committee on enrolled bills have compared the following enrolled with the engrossed bills of the House of Representatives, and find the same correctly enrolled:

No. 3, an act to change the name of Harvey Slocum, of Jefferson county.

No. 31, an act to provide for the election of a justice of the peace, in the town of New London, in Daviess county.

No. 59, an act for the relief of the collector of St. Joseph county.

No. 35, an act for the benefit of persons who are likely to suffer by the destruction of the records of Dubois county.

No. 13, an act to change the name of Lavina Fallis.

No. 53, an act for the relief of Julia Sims.

No. 38, an act to authorize the election of a justice of the peace and constable in the town of Fredericksburgh, in the county of Washington.

No. 123, an act for the relief of James D. Conway, of Hancock county.

Whereupon,

The Speaker signed said bills.

Ordered, That the clerk carry them to the Senate for the signature of their President.

On motion of Mr. McGaughey,

The House adjourned until Friday morning, at half past eight o'clock.

FRIDAY MORNING, JANUARY 17, 1840.

The House met pursuant to adjournment; and

On motion,

The House adjourned until two o'clock, P. M.

Two o'clock, P. M.

The House met pursuant to adjournment.

The Speaker laid before the House the petition of L. M. Stinson and others, of the town of Evansville and vicinity, against the passage of a law giving the power to the State Bank of Indiana, of issuing bank notes under the denomination of five dollars, and in favor of a law abolishing imprisonment for debt;

Which was referred to the committee on the State Bank.

Mr. Wilson of M. presented the petition of Isaiah Hoover and others, praying for the location of a certain State road therein named;

Which was referred to a select committee of Messrs. Wilson of M., Fitch and Shiveley.

Mr. Wilson of M. presented the petition of sundry citizens 'of Miami county, praying the passage of a law to enable the citizens of the several townships in that county to elect their assessors;

Which was referred to the select committee heretofore appointed on that subject.

Mr. Carleton of F. presented the petition of Stephen Voorhees and others, in relation to a certain road therein named;

Which was referred to the committee on roads.

Mr. Thompson presented the petition of Henry Johns and others, praying the legislature to repeal an act entitled "an act to regulate the jurisdiction of justices of the peace in Allen county, approved February 11th, 1839; also, a remonstrance on the same subject;

Which were referred to the committee on roads.

Mr. Johnson presented the petition of Noah Wright and others, of Marion county, praying an amendment to the school law;

Which was referred to the committee on education.

Mr. Robinson of J. presented the petition of William Kampton, praying the passage of a law legalizing the title to certain real estate;

Which was referred to a select committee consisting of the delegation from Jefferson county.

Mr. Fitch presented the petition of Joseph Henderson and others of Cass county, praying an alteration in the manner of doing township business;

Which was referred to a select committee of Messrs. Fitch, Wilson of M. and Milroy.

Mr. Henley presented several memorials from the citizens of Clark county, to the General Assembly of Indiana, on the subject of repealing the license law authorising the retail of ardent spirits.

Mr. Jones moved that the memorials be laid upon the table,

And the ayes and noes being requested thereon by Messrs. Jones and Henley,

Those who voted in the affirmative were:

Messrs. Beckett, Bell, Bowles, Carleton of F., Clark, Coats, Flint, Hamer, Jones, McCoy, Moore of O., Nelson of M., Robinson of Rush, and Spann—14.

Those who voted in the negative were:

Messrs. Albertson, Arnold, Atherton, Baker, Bennett, Berkshire, Buckles, Butler, Campbell, Carlton of L., Conaway, Cooper, Cox, Davis, Eccles, Edmonson, English, Everts, Farley, Fitch, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamblen, Henley, Herriman, Hull, Hunt of R., Jackson, Johnson, Lane, Lancaster, Lanius, Lee, Long, McCormack, Miller, Montgomery, Moore of V., Morgan, Morrison, Nelson of B., O'Neill, Osborn of F., Osborn of U., Parker, Perry, Perviance, Porter, Rippey, Robinson of J., Robinson of Rush,

Rush, Sands, Shiveley, Southard, Stewart, Sweetser, Thompson, Warriner, Wheeler, White, Wilson of M., Wilson of W., Woodard, Worster, Zenor and Mr. Speaker—69.

So said memorials were not laid upon the table.

On motion of Mr. Henley,

The memorials were referred to the committee of ways and means.

Mr. Lane presented the petition of John P. Dunn and others, praying that Ruth Ann Douglass may be divorced from her husband, Luke Douglass;

Which was referred to a select committee of Messrs. Lane, Perry and Conaway.

Mr. Herriman presented the petition of S. M. Clark and others, praying that the provisions of an act entitled "an act providing for a more uniform mode of doing township business in the several counties therein named, approved February 17th, 1838," may be extended to the county of Steuben;

Which was referred to a select committee of Messrs. Herriman, Rippey, and Thompson.

Mr. Robinson of Ripley presented the petition of George A. Pool and others, citizens of Dearborn and Ripley counties, praying for the location of a certain State road therein named;

Which was referred to a select committee of Messrs. Robinson of R., Lanius and Jamison.

Mr. Long presented the petition of W. W. Butler and Mary Butler, in relation to a town, to be called New Augsburg;

Which was referred to a select committee of Messrs. Long, Osborn of F. and Bennett.

Mr. Long presented the petition of John Wynn and Joseph Wynn, in relation to the title to certain real estate;

Which was referred to the committee on the judiciary.

Mr. Shiveley presented the petition of J. Brownlee and others, praying that Simon D. Ellsworth and his father may be authorized to vend lottery tickets, for a certain specified object therein contained;

Which was referred to the committee on the judiciary.

Mr. Flint presented the petition of A. J. Gilley and others, in relation to a certain State road therein named;

Which was referred to the committee on roads.

Mr. Spann presented two petitions of sundry citizens of Jennings and other counties, praying the location of a certain State road therein named;

Which were referred to a select committee of Messrs. Spann, Robinson of R., Arnold and Jamison.

Mr. Allison presented the petition of J. M. H. Allison and others of Green county, praying the passage of a law authorizing David Ingersoll and Jones Jessup the privilege of erecting a mill dam across Eel river;

Which was referred to a select committee of Messrs. Allison, Osborn of C. and Davis.

Mr. Allison presented the petition of the trustees of the Blooming-

ton State University, in relation to the proposed investigation into the affairs of said institution;

Which was referred to the same select committee heretofore appointed on that subject.

Mr. Fisher presented the petition of sundry citizens of Posey township, in Switzerland county, on the subject of the culture and manufacture of silk;

Which was referred to the committee on agriculture.

Mr. Fitch presented the petition of sundry citizens of Washington township, Carroll county, praying to be attached to Cass county;

Which was referred to a select committee of Messrs. Fitch, Milroy and Sweetser.

Mr. Sands presented the petition of the justices of the peace of Crawford county, in relation to the law on the subject of county business in said county;

Which was referred to a select committee of Messrs. Sands, Jones and Edmonson.

Mr. Finch presented the petition of John Wishard and others, praying an appropriation to assist him in the erection of a bridge across the Central canal;

Which was referred to the committee on canals and internal improvements.

Mr. Warriner presented several petitions from sundry citizens of the county of Lake, praying a review and relocation of the county seat of said county;

Which were referred to the committee on corporations.

Mr. Warriner presented the petition of Joseph P. Smith and others, in relation to a certain school section therein named;

Which was referred to the committee on education.

Mr. Hunt of R. presented the petition of Wm. Vail and others, on the subject of a State road therein named;

Which was referred to a select committee of Messrs. Hunt of R., Buckles and Perviance.

Mr. Morrison presented the memorial of the citizens of Washington county to the General Assembly of the State of Indiana, on the subject of repealing the law granting license for the retailing of ardent spirits;

Which was referred to the committee of ways and means.

Mr. Morrison presented the account of Levi Wright and John Early for conveying a pauper, the same being a mulatto female decrepited child, to Tennessee;

Which was referred to the committee on claims.

A message from the Senate by Mr. Test their Secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives

they have passed an engrossed bill of the Senate No. 64, entitled "a bill granting relief in a certain case therein named, in which the concurrence of the House of Representatives is respectfully requested;

Said bill was read a first time and ordered to a second reading.

A message from the Senate, by Mr. Test their Secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that the Senate has passed an engrossed bill thereof No. 56, entitled "an act fixing the time of holding the probate and commissioners courts in the county of Parke, and for other purposes, in which the concurrence of the House is respectfully requested.

Said bill was read a first and second times, the rule being suspended; and

On motion of Mr. Garrigus,

Referred to a select committee.

Ordered, That Messrs, Garrigus, Clark and Moore of V. be appointed said committee.

Mr. Cooper moved to take from the table bill No. 60, relative to grist mills and millers;

Which motion was decided in the negative.

A message from the Senate by Mr. Test their Secretary.

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that the Senate has passed an engrossed bill of the House No. 23, entitled "an act to incorporate the New Washington Seminary, with an amendment, in which the concurrence of the House is respectfully requested.

Also the Senate has passed an engrossed bill and joint resolution thereof as follows, viz:

No. 13, an act to incorporate the Orleans Institute; and

No. 5, a joint resolution in relation to operations upon the Wabash and Erie canal, in which the concurrence of the House is also requested.

The amendment to the engrossed bill of the House No. 23, was concurred in.

Ordered, That the clerk inform the Senate thereof.

Bill No. 13, mentioned in the message, was read a second time and passed to a second reading.

Joint resolution, No. 5, mentioned in the message, was read a first and second times, the rule being suspended; when

Mr. Stewart moved to amend the same by striking out the words "Chief Engineer;"

Which motion was decided in the negative.

The joint resolution was then read a third time and passed, the rule being suspended for that purpose.

Ordered, That the clerk inform the Senate thereof.

A message from the Senate by Mr. Morrison their assistant secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the resolution of the House of Representatives, relative to the election of State Bank Directors, with the two following amendments:

1st. Strike out "Monday next," and insert "Monday the 27th instant."

2nd. Strike out the name "Calvin Fletcher," and insert that of Alexander Worth."

In which amendments the concurrence of the House of Representatives is respectfully requested.

On motion,

The amendments were concurred in by the House.

Ordered, That the clerk inform the Senate thereof.

Mr. Miller moved to dispense with the previous orders of business and take up bill of the House No. 77, to dissolve the bands of matrimony between Charles Fullerton and Eleanor Fullerton;

Which motion was decided in the affirmative.

Mr. Cooper moved that the bill be indefinitely postponed;

Which motion was decided in the negative.

Said bill was then ordered to be engrossed for a third reading.

Mr. Sweetser, on leave granted, made the following report.

MR. SPEAKER—

The select committee to whom was referred the memorial of the common council of the town of Indianapolis, have had the same under consideration and directed me to report the following bill, to wit:

No. 131, a bill to amend an act entitled "an act to incorporate the town of Indianapolis, approved February 17th, 1838;

Which was read the first time and passed to a second reading.

Mr. Carleton of F. made the following report:

MR. SPEAKER—

The committee on canals and internal improvements to whom was referred bill No. 36, of the House, entitled "a bill for the relief of the

collector of Porter county," have had the same under consideration, and have ordered me to report it back to the House, and recommend its reference to the committee on ways and means.

The report of the committee was concurred in and the bill referred accordingly.

Mr. Johnson made the following report:

MR. SPEAKER—

The committee on the affairs of the town of Indianapolis, to whom was referred the communication of the agent of State for said town, report that they have had the same under consideration, and recommend the passage of the following memorial and joint resolution, to-wit:

No. 132, a memorial and joint resolution of the General Assembly relative to the town of Indianapolis;

Which was read a first time and passed to a second reading.

Mr. Morrison made the following report:

MR. SPEAKER—

The committee on enrolled bills have presented to the Governor for his signature the following bill, to-wit:

An act for the relief of James D. Conway of Hancock county.

Mr. Lane, from the select committee to which was referred

No. 82, a bill to amend an act entitled "an act to incorporate the Lawrenceburgh bridge company," approved January 24, 1831, reported the same back with sundry amendments; which were concurred in by the House.

Ordered, That the bill be engrossed for a third reading.

A message from the Governor, by Mr. Moore his private secretary.

MR. SPEAKER—

I am directed by the Governor to inform the House of Representatives, that he did on yesterday approve and sign an act which originated in the House of Representatives, entitled "an act for the relief of James D. Conway of Hancock county."

On motion,

The House adjourned until to-morrow morning at nine o'clock.

SATURDAY MORNING, JANUARY 18, 1840.

The House met pursuant to adjournment.

Mr. Purviance presented the petition of sundry citizens of Huntington county, praying the relocation of the seat of justice of said county;

Which was referred to the select committee heretofore appointed on that subject.

Mr. Purviance also presented a remonstrance on the same subject;

Which was referred to the same committee.

Mr. Robinson of J., presented two several petitions from sundry citizens of Jefferson county, men and women, praying that a law may be passed, granting the right of trial by jury to all persons, in all cases where liberty is concerned.

Mr. Eccles presented the petition of sundry citizen of Morgan county, in relation to a certain state road therein named;

Which was referred to a select committee of Messrs. Eccles, Finch, and Beckett.

Mr. Shiveley presented the petition of the commissioners of Wabash county, praying that certain acts of said commissioners may be legalized;

Which was referred to a select committee of Messrs. Shiveley, Buckles and Thompson.

Mr. Shiveley also presented the petition of Garrett Hefner in relation to a certain state road therein named;

Which was referred to the committee on roads.

Mr. Wilson of W., presented the petition of sundry citizens of Jasper county; praying for a new county;

Which was referred to a select committee of Messrs. Wilson of W., Montgomery and White.

Mr. Perry presented the petition of Jonathan Harpham and others, in relation to a certain road therein named;

Which was referred to a committee consisting of the delegation from Dearborn county.

Mr. Perry presented the petition of Isaac Lothrop, and others, on the subject of the town of New Lawrenceburgh;

Which was referred to the committee on corporations.

Mr. Montgomery presented the petition of John B. King and others, in relation to a certain state road therein named;

Which was referred to the committee on roads.

Mr. Montgomery also presented a remonstrance on the same subject;

Which was referred to the same committee.

Mr. Arnold presented the petition of Abraham Hauser, on the subject of the scarcity of money and the collection of the revenue;

Which was referred to the committee of ways and means.

Mr. Johnson presented two several petitions of the citizens of Bridgeport, on the subject of the vacation of certain alleys in said town;

Which was referred to a select committee of Messrs. Johnson, Sweetser and Foster.

Mr. Sands presented the petition of Josiah P. Attwood and others of Crawford County, on the subject of a school section in said county;

Which was referred to a select committee of Messrs. Sands, Stewart and Bowles.

Mr. Perry presented the remonstrance of Alexander E. Glenn and others, against granting a charter to Isaac and Daniel J. Hancock to erect a toll bridge across South Hogan creek, on the road between Aurora and Wilmington;

Which was referred to a select committee of the delegation from Dearborn county.

Mr. Morrison presented the petition of sundry citizens of Washington county, praying an act of incorporation for the "Washington Band;

Which was referred to a select committee of Messrs. Morrison, Monroe and Hamer.

Mr. Herriman presented the petition of Jno. B. Howe and others, [praying for the revival of the act of incorporation of the Lima Hydraulic Company," passed in 1836;

Which was referred to a select committee of Messrs. Herriman, Shiveley and Purviance.

Mr. English presented a petition and accompanying document, from sundry citizens of Scott county, in relation to the county seat of said county;

Which was referred to a select committee of Messrs. English, Henley and Hunt of J.

Mr. English also presented the petition of Richard Ferguson and others of Scott county, praying for a repeal of the law on the subject of the county seat;

Which was referred to the same committee.

Mr. Herriman presented a memorial for the incorporation of the Lagrange Collegiate Institute;

Which was referred to a select committee of Messrs. Herriman, Wilson of M., Buckles, Rippey and Thompson.

Mr. Hamblen presented the petition of Avery M'Gee and others, for an act for the navigation of Salt creek, from Edward Davis' mill to the mouth of the same;

Which was referred to a select committee of Messrs. Hamblen, Arnold and Carlton of L.

Mr. Beckett presented the petition of W. J. Ringles and others, on the subject of an alteration in a certain state road therein named;

Which was referred to a select committee of Messrs. Beckett, Johnson and Nelson of B.

Mr. Sweetser made the following report:

MR. SPEAKER—

The committee on corporations, to whom was referred, the petition of sundry citizens of the town of Vevay, have had the same under consideration, and directed me to report the following bill, to wit:

No. 133, a bill to amend an act, entitled "an act to incorporate the town of Vevay," approved January 30th, 1836;

Which was read the first time and passed to a second reading.

Mr. Eccles made the following report:

MR. SPEAKER—

The undersigned, the minority of the judiciary committee to whom was referred a resolution of the House, directing them to inquire and report to this House whether in their opinion the Fund Commissioners and the President of the State bank of Indiana are not legally and personally liable to the State for State bonds sold upon credit to irresponsible persons or corporations or otherwise, beg leave respectfully to

REPORT

That he is not advised that the President of the State bank or the Fund Commissioners have sold State bonds to irresponsible persons or corporations, only from the stubborn fact that they have sold a large amount of bonds, and cannot get the money for which they sold them, according to their contract. The undersigned does not admit that the sale of State bonds of the State of Indiana has existed so long that it has become a custom adopted by the universal suffrages of the nation, but says that the whole is transacted under and by virtue of the statutes of the State of Indiana, which acts of those persons authorised, cannot go beyond the powers delegated.

The undersigned admits that the doctrine as stated by the majority of the committee is good law when applicable; but he denies that it applies to the present case. He will first notice the case of the President of the State bank. In the Acts of 1839, page 15, being an act to increase the stock of the State bank of Indiana, approved February 12th, 1839, authorising a loan for that purpose, authorises the Commissioners of the sinking fund through the agency of the President of the State bank, or the Fund Commissioners to contract on the part of the State, for the sum of one million and a half of dollars, for the year 1839, and seven hundred thousand dollars for each of the years 1840, 1841, 1842, 1843 and 1844, at a rate of interest not exceeding six per cent. per annum, redeemable after twenty years, and not exceeding thirty-five years at the pleasure of the State for the payment of which and the interest thereon, &c., the faith of the State is irrevocably pledged; and such sum when obtained shall be paid to

the commissioners of the sinking fund, &c. The undersigned will not admit that because money had been borrowed upon the deposit of State bonds, that for that cause, bonds to a large amount should be sold and delivered without either receiving the money in return, or safe securities, that the money would be paid for our stocks when due, and according to contract.

The undersigned will not admit that the President of the State bank from all that appears from his own showing, was the agent of the sinking Fund Commissioners of the State of Indiana, as it was not certain by the special act on that subject, that he was to be the agent, as the said commissioners had the right to appoint him or others according to the letter of the statute under which they acted, and within the letter of which they were bound to act. He could not act as principal, because no such powers were given to him; nor could he legally act as agent, until he received such power from the authority possessing it. If then he could not act as principal under the statute referred to, he could only act as agent, which ought to have appeared on the record and in his report, and the articles of agreement to which he has affixed his name with the Morris Canal and Banking Company. If then his acts were not within the statute which alone gives him power to act, unconnected with the rules of the common law referred to in the report of the majority of the committee, he was bound to act within the letter of the statute created by the legislature for his direction.

The undersigned will not admit that although the said President of the said State bank may have been appointed agent by the said sinking fund commissioners according to the statute, that after he had made and entered into a solemn contract, under and by virtue of said statute on the 24th day of April, 1839, with the Morris Canal and Banking Company, for the use and benefit of the State of Indiana, and at the instance and request of the said Morris Canal and Banking Company, had any right power or authority to annul, set aside, or change the same, by which the State of Indiana without her consent was to be and is greatly injured, unless authorised so to do by Legislative authority, as if it was legally done, it was the act of the State and could not be changed but by the same power.

The undersigned does not admit that the act of 9th January, 1832, providing means for the construction of the Wabash and Erie canal, has any connection with that act of February 12th, 1839, authorising the increase of bank stock as referred to in the report of the majority of the committee.

The majority of the committee asks why is it not as expedient to leave those funds in the hand of the institutions which purchased the bonds, at an interest for the State of five or six per cent., as to withdraw them and place them in the hands of another at a less profit. Such would be the consequence of the withdrawal. The presumption of safety is certainly as strong in favor of that institution which has both credit and the funds for sale, as that which has the credit without the funds.

The undersigned is of the opinion that the institution in whose hands

the funds have been placed, have had credit with the President of the State bank and fund commissioners, but not the funds and of course they are the institution described in said report.

The undersigned has no doubt that the President of the State bank and Fund Commissioners are State officers, but he has no evidence of their or either of them having been legally appointed agents of the commissioners of the sinking fund to negotiate the loan of one million and a half of bank stock, nor does he believe that there is any analogy in the case put of Justice of the peace and clerk. If a clerk or Justice of the Peace, acting in a matter within their jurisdiction or power, acts with common caution they are not liable if the security taken and is good at the time they take it, but if they act corruptly, or act under powers not obligated, they are liable to any person or persons injured by such act, and the undersigned has seen no evidence of the legal authority of the action of the President of the State bank under the said statute of 1839.

The undersigned is not aware that there is any statute of the State of Indiana authorising any officer to sell Indiana State bonds on credit, and he denies that custom can support such practice, because the capitalist that has money to loan, wishes to vest it in safe stocks and exchanges his cash for our bonds as such stock, receiving his interest as may be agreed on, but where our bonds are placed in the hands of swindlers and stock jobbers, to passthrough a half dozen hands before they reach the hands of a permanent holder, to use the language of the report, is a power never vested in the officers intrusted with the transfer of our stocks to borrow money. Had Gen. Stapp our Fund Commissioner any authority to sell to Hendricks, Woodburn, King, &c. \$455,000 of bonds for the appropriation of \$400,000 authorized by statute, as a further appropriation on the Madison and Indianapolis rail road.

It is admitted by the report that \$732,000 of our bonds were sold for cash in hand, why were they not all sold in that way, and why did not the President of the State bank get the bond redelivered? The answer is easy—because the Morris Canal and Banking Company could cash them, if our officers could not.

The undersigned therefore says that from all the facts shown by the reports of said officers, they did not act within the statute in that case made and provided, and if so, they and their securities are personally liable, or if the persons or corporations to whom they sold said bonds, were irresponsible at the time they transferred them, and they knew it, which is a matter to be ascertained only by legal investigation, they are also personally liable. All of which is respectfully submitted.

JOHN ECCLES.

Mr. Long moved to lay the report upon the table and that one hundred copies be printed;

Which motion was decided in the affirmative.

Mr. Milroy made the following report:

MR. SPEAKER—

The committee on canals and internal improvements, to whom was referred a resolution of this House, instructing said committee, to inquire into the expediency of authorising the leasing of the water power created by the Wabash Dam near Delphi, or a part thereof; "on the best terms, that can be had on a reasonable notice, of a time and place at which to receive proposals"—And also sundry petitions of citizens of Carroll county on the same subject, have had the same under consideration, and directed me to report the following, to wit:

No. 134, a bill to ensure the leasing of certain water power therein named;

Which was read the first time and passed to a second reading.

Mr. Fitch made the following report:

MR. SPEAKER—

The select committee to whom was referred a petition upon that subject have directed me to report the following bill, to wit:

No. 135, a bill to authorise the Circuit Court of the county of Cass to change the venue in a certain case;

Which was read three several times and passed—the rule being suspended for that purpose.

Mr. Robinson of J. made the following report:

MR. SPEAKER—

The select committee to which was referred the petition of William Kampton of Jefferson county, have had the same under consideration, according to order, and have directed me to report the following bill, to wit:

No. 136, a bill for the relief of William Kampton;

Which was read the first time and passed to a second reading.

Mr. Albertson made the following report:

MR. SPEAKER—

The select committee to whom was referred the resolution in relation to the office of Secretary of State have had the same under consideration and directed me to report the following preamble and joint resolution, to wit:

No. 137, a joint resolution relative to the Secretary of State's office;

Which was read the first time and passed to a second reading.

Mr. M'Gaughey from a select committee, to whom the subject was referred, reported the following bill, to wit:

No. 138, a bill to provide for the election of a justice of the peace, in the town of Bainbridge in Putnam county;

Which was read the first time and passed to a second reading.

Mr Garrigus made the following report:

Mr. SPENKER—

The select committee to whom was referred a bill of the Senate No. 56, fixing the time of holding the Probate and Commissioners Courts in Parke county and for other purposes, have had the same under consideration, and have directed me to report an amendment to the third section.

Said report was concurred in by the House, and the amendment adopted.

The bill was read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. M'Guahey made the following report:

Mr. SPEAKER—

No. 1.

The select committee to which was referred that part of the Governor's message, relative to the Cumberland road, has had that subject under consideration, and directed me to

REPORT:

That they consider the Cumberland road as a National work, and that this opinion was also entertained by the Congress of the United States, at the time when the first bill was passed for its location, and construction through the eastern States. That it was constructed through the eastern States, out of the National Treasury, (they having no special funds under the control of Congress to which the expenditure could be charged,) that the same obligations, which formerly rested upon the nation, to locate and complete, the road through the eastern States, now rest upon the National Government for its construction and final completion through the western States. That the location of the road through the States of Indiana, Ohio and Illinois, from its character as a national work, invited emigration, into the last mentioned States; induced large numbers of citizens to purchase lands upon the line of the road, from the Government, and also induced the States to connect many of their public works with the road, believing that the National Government would complete the same as far at least as it had been then located. This, in the opinion of the committee, creates an additional obligation on the part of Congress to prosecute the work to its final completion.

That the States of Ohio, Indiana and Illinois have other claims up

on the National Government based upon solemn compacts and acts of Congress referred to in the memorial adopted by the Cumberland road Convention, convened at Terre Haute on the 8th day of July 1839. The committee does not feel it necessary to enter into a discussion of the nationality of the work as they now deem that question settled; but on the contrary deem it only necessary to urge its speedy completion, show the causes which have contributed to its delay, and the causes which have swelled the cost of its construction to more than double the ordinary cost of like works, under the control of States and companies. Some of the most prominent causes tending to produce the foregoing results are the following: 1st. The smallness of the annual appropriations made by Congress. 2nd. The lateness of the period when the appropriations are made, especially at the "long sessions" when the bill is scarcely ever made before June or July. The evils resulting from these two causes are so fully set forth in the memorial of the Convention before mentioned, that it would seem unnecessary to enlarge upon them. That a great portion of each appropriation heretofore made, has been wasted in the pay of an unnecessary number of officers, such as engineers, clerks and the like, and in making and constructing large and expensive bridges, where culverts would have answered as good if not a better purpose.

That a great number of bridges and culverts have been constructed with a view more to beauty than to strength and duration, and thereby unnecessarily increased the cost of their construction. That a large portion of the appropriations have been expended one year in the building and manufacturing large waggons, carts, and wheel barrows, and selling them the next year at less than one half their original cost, that a large sum of money has been expended one year in clearing off all the grass and weeds from the surface of the road, and that the following year their growth has been encouraged; that bridges have been erected over small streams that never obstruct travel, while streams (such as Eel river) too small to justify a constant ferry, yet large enough to abstract travel 4 or 5 days at a time, have been entirely omitted. That a large quantity of materials have been prepared and delivered for the purpose of erecting a bridge over the Wabash river at an immense cost, a river large enough to justify the constant keeping of a good ferry, while the road is in many places almost impassable for the want of proper grading and bridging. That the grading has been frequently entirely completed at favorite points, where the road was convenient for travel without it, and other portions of road, nearly impassable, totally neglected. That the metalling has been confined to favorite points without reference to the cost of procuring materials, when true policy would have dictated a different course and pointed out the propriety of commencing the metalling at the quarries and completing the same each way. That work on all bridges as large as that of the Wabash, should be postponed until the final completion of the road east of such bridges. That on account of the unexampled mismanagement of the road (of which the foregoing is only a few examples) its cost has already swollen to

an enormous amount. That from the most creditable source, the committee has ascertained that the amount already expended on the road is equal to the amount necessary to complete the best quality of McAdamized roads, and yet it is a fact too glaring to admit of a denial, that the road taken altogether is not more than half completed. That it is evident that no substantial and valuable progress has been made from year to year for the last four years, towards the ultimate completion of the road looking at the whole route through the State the decay of the numerous bridges, the loss of materials delivered, and the general dilapidation caused by the winter frosts and rains acting on the unfinished surface of the road, have equalled the real value of the work performed during the summer, if not its actual cost, the committee wish to be understood that in speaking of the decay of bridges they allude not only to those designed to be permanent, but refer also to those numerous bridges across small branches, &c., built of logs and poles which were originally designed as a temporary substitute to make the road passible until permanent bridges could be built, but which through the delay of the road are now quite rotten and must be rebuilt next year or the road become impassable. That a great portion of the work done on the road, was done many years ago when labor and provisions were cheap, and yet the work has cost near double what like work would have cost under prudent management, under the present high prices. That should we judge the future cost of the work yet to be done, by what already has been done and take into consideration the increase of the price of labor and provisions, the final construction of the road will cost a sum calculated to startle the public mind, and disgrace those who have the control and management of the work. That the gross mismanagement of the road, of which the foregoing is but a faint sketch, calls loudly for an entire reform in the mode and manner of conducting operations and that it is the only cure for existing evils. Therefore the committee have directed me to report the following memorial to Congress and recommend its passage, and also the following resolution:

Resolved, That a copy of the foregoing report and memorial be made out and duly certified by the Secretary of State, and by him forwarded to each of our Senators in Congress.

No. 2.

To the honorable the House of Representatives

Your memorialists, the General Assembly of the State of Indiana, claim the right as a sovereign State, to call the attention of your honorable body to any object of National concern. That the Cumberland road is of that character would appear without doubt or controversy. It originated in Congress as essential for the national good. It has been sustained through every administration for more than thirty years. It was originally projected as a great western mail route or

post road, when not a voice from the west was to be heard in its favor. When all that fertile region composing Ohio, Indiana, Illinois, Missouri, Michigan, Wisconsin and Iowa, was yet a wilderness, yet, such was the importance attached to this great National object, as early as 1802, that the Alleghany mountains, so called *was* no longer to obstruct the free intercourse with the west. The Cumberland road was commenced in Maryland and completed through Pennsylvania and Virginia to the Ohio river, out of the National Treasury. Since its location through the western States, the two per cent. fund has been applied as a moiety on their part, and as a member of the confederacy Indiana holds a general interest in this road, and in her sovereign capacity, she claims that interest in behalf of her citizens.

That enlightened and liberal policy which has hitherto been extended to the west, has not been without its reward.

Many millions have flowed into the National Treasury from the public domain. States have been added to the Union, Territories organized and population extended; while other bright stars are rising in the far west, which will soon add other States to the Union all looking to the Cumberland road as a great National highway to the seat of the National Government.

In full confidence that those just and reasonable views will meet the favorable consideration of your honorable body, your memorialists would respectfully call the attention of Congress to the present dilapidated condition of the Cumberland road, and to urge an early and ample appropriation for its further prosecution and final completion, and in making this request we would be unmindful of our duty to the State and Nation if we did not at the same time, solicit an inquiry into the causes of delay so strikingly manifest in the progress of the work, and to ask of your honorable body an entire reform in the mode and manner of operations.

This, your memorialists conceive to be indispensable. Congress may continue to make appropriations from year to year for an indefinite period, but without a more effectual and less expensive mode of operation, millions may be wasted in paying officers and a numerous train of subalterns, building up towns at favorite points, and enriching individuals, while the road will still remain unfinished, to the great injury of the Nation, the States through which it passes, and to individuals whose property is occupied as places of deposit for materials.

Your memorialists would further suggest the importance of a more efficient and energetic operation of this work on the ground of economy.

The sooner it is completed the less it will cost. Each year's unnecessary delay, is not only a loss of the use of the road to all, but the additional expense of keeping up what has been left in an unfinished state the preceding year. That a change, in the management of this work, is necessary will appear manifest, when your honorable body will reflect that the Cumberland road was the first public improvement

of the kind in the Union. That it has been in progress of construction for more than thirty years under the war and engineer department.

That during its unprecedented slow progress, many thousand miles of roads and canals have been completed under the auspices of the several States. These facts prove most conclusively that there is a radical defect in the system which requires the wise interposition of Congress to reform.

The lively interest which is felt throughout the west upon this important subject, will appear manifest from the proceedings of a Convention held at Terre Haute in July last, a copy of which accompanies this memorial.

The completion of this road having been anticipated in the adoption of a general system of internal improvements renders its speedy completion of the first importance to Indiana.

Your memorialists, therefore under all the foregoing considerations respectfully submit their claims in full confidence that they will receive that attention which is due to their merits.

Said memorial, to wit:

No. 139, a memorial in relation to the Cumberland road;

Which was read a first time; and

On motion of Mr. Long,

One hundred of the report and memorial were ordered to be printed.

A message from the Senate, by Mr. Test their Secretary:

MR. SPEAKER—

I am directed to inform the House of Representatives, that the Senate have concurred in the amendment of the House of Representatives to the bill of the Senate November 56, entitled "an act fixing the time of holding the Probate and Commissioners Courts of the county of Park, and for other purposes.

Mr. Allison made the following report:

MR. SPEAKER—

The select committee, to whom was referred the petition of sundry citizens of Greene county, asking the passage of a law giving Daniel M. Ingersoll and James Jessop the privilege to build a dam across Eel river, have had the same under consideration, and directed me to report the following bill, to wit:

No. 140, a bill authorizing Daniel M. Ingersoll and James Jessop to build a dam across Eel river, in Greene county;

Which was read the first time, and passed to a second reading.

Mr. Thompson made the following report:

MR. SPEAKER—

The select committee, to whom was referred a petition from sundry citizens of Fort Wayne, praying for a city charter, have had the same under consideration, and have directed me to report the following bill, to wit:

No. 141, a bill to incorporate the city of Fort Wayne;

Which was read the first and second times—the rule being suspended—and referred to the committee on corporations.

A message from the Governor, by Mr. Moore, his private secretary

MR. SPEAKER—

I am directed by the Governor to inform the House of Representatives, that he has this day approved and signed acts which originated in the House of Representatives, of the titles following, to wit:

An act to change the name of Lavina Fallis.

An act for the relief of the collector of St. Joseph county.

An act to provide for the election of a justice of the peace in the town of New London, in Daviess county.

An act for the relief of Julia Sims.

An act to authorize the election of a justice of the peace and a constable, in the town of Fredericksburgh, in the county of Washington.

An act to change the name of Harvey Slocum, of Jefferson county, Indiana.

An act for the benefit of persons who are likely to suffer by the destruction of the records of Dubois county.

Mr. Long made the following report:

MR. SPEAKER—

The select committee, to whom was referred a bill to provide for the formation of the county of _____ and for other purposes, have had the same under consideration, your committee was of the opinion that the House desired to know the true situation of the three mile strip, or territory proposed to be included in the new county. Whether it was intended, when attached to Wabash and other counties, that it should only be attached for judicial and other purposes, or to form and constitute an integral part of said counties, and for their information called upon Messrs. Ewing and Morris, the following questions were propounded by the committee, and answered:

Mr. Ewing states to the committee the understanding in relation to law attaching the three mile strip, or territory, to Wabash and other counties. Answer.—At the session of '37—'38, the three mile strip, or territory, as it was called, was understood to be attached, for judicial and other purposes, but not permanently. This was done at the

instance of those on the strip. Fulton county prayed to have it permanently attached, and Kosciusko protested against it. Wabash county had been formed at some previous session. It was designed, in forming Kosciusko, to have added the territory in dispute, but left out through mistake.

Mr. Morris states that what Col. Ewing has said is substantially true, as his recollection serves him, says that he well recollects, that Miami and Wabash were formed sometime previous, and at a time when there would have been no objection to extending their boundaries, as the territory for some distance north was not at that time included in any county. He also thinks, that the citizens of neither Wabash nor Miami counties asked the three mile strip to be attached to their counties. Mr. Morris further states, that he has no interest in the proposed new county, nor Kosciusko county.

Your committee, on a full investigation, have no doubt in saying, that a large majority of the tax payers of Kosciusko county, and also the territory, are in favor of the proposed new county. The following amendments are made by the committee, in which they ask the concurrence of the House.

The first amendment was, to fill the blank in the bill with the word "Van Buren"—as the name of the county.

Mr. Wilson of M. moved to amend said amendment, by striking out the word "Van Buren," and inserting "Tipton."

And the ayes and noes being requested thereon, by Messrs. Wilson of M. and Judah,

Those who voted in the affirmative were:

Messrs. Allison, Atherton, Beckett, Bell, Bennett, Burke, Butler, Coats, Cooper, Cox, Dunn, Everts, Finch, Fitch, Flint, Hamer, Hunt of R., Jackson, Jenckes, Judah, Lancaster, Miller, Montgomery Morgan, O'Neill, Parker, Robinson of J., Robinson of Ripley, Rush, Spann, Thompson, Wilson of M., Woodard and Zenor—35.

Those who voted in the negative were:

Messrs. Albertson, Baker, Berkshire, Bowles, Buckles, Campbell, Carleton of F., Carlton of L., Clark, Cogswell, Conaway, Davis, Eccles, Edmonson, English Farley, Fisher, Foster, Hunt of J., Jackson, Jenckes, Jones, Lane, Lanius, Long, McCormack, McCoy, McGaughey, Milroy, Monroe, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of F., Osborn of U., Perry, Perivance, Porter, Rippey, Robinson of Rush, Sands, Shiveley, Stewart, Warriner, Wheeler, Wilson of W., Worster, and Mr. Speaker—56.

So said amendment was not adopted.

The question recurring on the adoption of the first amendment of the committee,

And the ayes and noes being requested thereon by Messrs. Wilson of M., and Berkshire,

Those who voted in the affirmative were:

Messrs. Albertson, Arnold, Baker, Bell, Berkshire, Bowles, Buckles, Burke, Campbell, Carleton of F., Carlton of L., Clark, Cogswell, Conaway, Cooper, Davis, Dunn, Eccles, Edmonson, English, Farley, Finch, Fisher, Fitch, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamblen, Henley, Herriman, Hull, Hunt of J., Hunt of R., Jackson, Johnson, Jones, Lane, Lancaster, Lanius, Long, McCoy, McGaughey, Miller, Milroy, Monroe, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of F., Osborn of U., Perry, Perviance, Porter, Rippey, Robinson of Rush, Sands, Shiveley, Spann, Stewart, Sweetser, Warriner, Wheeler, Wilson of W., Worster, and Mr. Speaker—70.

Those who voted in the negative were:

Messrs. Allison, Atherton, Bennett, Butler, Coats, Cox, Everts, Flint, Hamer, Jenckes, Montgomery, Morgan, O'Neill, Parker, Robinson of J., Robinson of Ripley, Rush, Thompson, Wilson of M., Woodard and Zenor—21.

So said amendmen was concurred in.

The other amendments were then consented to by the House.

Mr. Shiveley moved that the bill be indefinitely postponed.

And the ayes and noes being requested thereon, by Messrs. Shiveley and Wilson of M.,

Those who voted in the affirmative were:

Messrs. Beckett, Bell, Bennett, Carleton of F., Carlton of L., Coats, Dunn, Everts, Finch, Fitch, Flint, Hamer, Jenckes, Jones, McGaughey, Miller, Parker, Robinson of J., Robinson of Ripley, Shiveley, Thompson, Wilson of M. and Zenor—26.

Those who voted in the negative were:

Messrs. Albertson, Allison, Arnold, Atherton, Baker, Berkshire, Bowles, Buckles, Campbell, Clark, Cogswell, Conaway, Cooper, Cox, Davis, Eccles, Edmonson, English, Farley, Fisher, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamblen, Henley, Herriman, Hull, Hunt of J., Hunt of R., Johnson, Lane, Lanius, Long, McCormack, McCoy, Milroy, Monroe, Moore of V., Morgan, Morrison, Nelson of B., Nelson of M., Osborn of F., Osborn of U., Perry, Perviance, Porter, Rippey, Robinson of Rush, Sands, Stewart, Sweetser, Warriner, Wheeler, Wilson of W. and Worster—58.

So said bill was not indefinitely postponed.

Mr. Sweetser moved to amend the first section of the bill, by inserting after the word "Van Buren," the following, to wit: and the county seat shall be called "Johnson."

Mr. Montgomery moved to strike out "Johnson" and insert "Clay;"
Which motion did not prevail.

Mr. Morgan moved to prefix the word "Dick," before the word
"Johnson;"

Which motion was decided in the negative.

Mr. Stewart moved to strike out "Johnson," and insert "Howard;"
Which motion did not prevail.

The question recurring on Mr. Sweetser's amendment, it was decided in the negative.

The question being now put, Shall the bill be engrossed for a third reading?

And the ayes and noes being requested thereon by Messrs. Wilson of M. and Shiveley,

Those who voted in the affirmative were:

Messrs. Albertson, Arnold, Atherton, Baker, Berkshire, Bowles, Buckles, Carlton of L., Clark, Cogswell, Cooper, Davis, Eccles, Edmonson, English, Farley, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamblen, Henley, Herriman, Hull, Hunt of J., Hunt of R., Johnson, Lane, Lanius, Long, McCormack, McGaughey, Milroy, Monroe, Moore of V., Morgan, Morrison, Nelson of B., Nelson of M., Osborn of F., Osborn of U., Perry, Perviance, Porter, Rippey, Robinson of Rush, Sands, Stewart, Wheeler, Wilson of W., Woodard and Worster—53.

Those who voted in the negative were:

Messrs. Beckett,^s Bell, Bennett, Burke, Butler, Campbell, Carleton of F., Coats, Cox, Dunn, Everts, Finch, Fitch, Flint, Hamer, Jenckes, Jones, Miller, O'Neill, Parker, Robinson of J., Robinson of Ripley, Shiveley, Sweetser, Thompson, Wilson of M. and Zenor—27.

So the bill was ordered to be engrossed for a third reading.

On motion,

The House adjourned until two o'clock, P. M.

Two o'clock P. M.

The House met pursuant to adjournment.

Mr. Henley, on leave granted, introduced the following resolution:

Resolved, That when a question is taken by ayes and noes, it shall be the duty of the clerk to furnish the public printer a list of the names of the absentees, who are absent without leave of the House, for publication, and it shall be the duty of the public printer to publish the same.

Mr. Coats moved to lay the resolution upon the table,
And the ayes and noes being requested thereon by Messrs. Coats
and Henley,

Those who voted in the affirmative were:

Messrs. Albertson, Allison, Arnold, Beckett, Bell, Butler, Coats,
Cox, Finch, Fisher, Fitch, Flint, Hamer, Hamblen, Jackson, Lancaster,
Lee, Milroy, Montgomery, Morgan, Nelson of M., Parker, Per-
viance, Robinson of J., Rush, Spann, Sweetser, Thompson, Wilson
of M., Zenor and Mr. Speaker—31.

Those who voted in the negative were:

Messrs. Atherton, Baker, Bennett, Berkshire, Bowles, Buckles,
Burke, Campbell, Carelton of F., Carlton of L., Clark, Conaway,
Cooper, Davis, Dunn, Eccles, Edmonson, English, Everts, Farley,
Foster, Frisbie, Garrigus, Gardner, Haddon, Henley, Herriman, Hull,
Hunt of J., Hunt of R., Johnson, Lane, Lanius, Long, McCormack,
Miller, Monroe, Moore of O., Moore of V., Nelson of B., Osborn of
F., Osborn of U., Perry, Porter, Rippey, Robinson of Ripley, Robin-
son of Rush, Sands, Shiveley, Southard, Stewart, Warriner, Wheeler,
White, Wilson of W. and Worster—56.

So said resolution was not laid upon the table.

Mr. Rush moved to amend the resolution by adding the following:

*“Provided, however, That every absent member shall have the priv-
ilege of rendering his excuse to the House: and if the same be consid-
ered good, then such excuse shall also be published.”*

On the question, shall said amendment be adopted? it was decided
in the affirmative.

On motion of Mr. Henley,

The resolution, as amended, was laid upon the table.

Mr. Wilson, on leave granted, introduced No. 142, a bill for the
location of a State road therein named;

Which was twice read, the rule being suspended, and committed
to the committee on roads.

On motion of Mr. Morrison,

*Resolved, That the Board of Internal Improvement be requested to
report to this House an exhibit of the settlement of the accounts of
the former Board; and if the accounts of any of the members of said
Board still remain unsettled, to state the amount, and the names of
the persons, and the reasons, if known, why such settlements have not
been made.*

On motion of Mr. Robinson of J.,

*Resolved, That the committee of ways and means be instructed to
inquire into the expediency of so amending the law regulating the ap-
pointment of collectors and their giving bond, as to require them to
give bond each year in a penalty of double the amount of the State*

and county tax assessed in their respective counties or townships for said year, with leave to report by bill or otherwise.

On motion of Mr. Sweetser,

Resolved, That the public printer be instructed to inform this House the reason of the delay in printing and furnishing to this House the Journals thereof.

On motion of Mr. Morgan,

Resolved, That the committee on education be instructed to inquire whether the act to provide for ascertaining the number of deaf mutes in the State, approved February 13th, 1839, needs any amendment to secure a correct and faithful return of all the deaf mutes in the State.

On motion of Mr. Fitch,

Resolved, That the President of the State Bank be required to report to this House, whether a failure, upon the part of the Morris Canal and Banking Company, with article 10th of the agreement between said company and said President of the State Bank of Indiana will operate as a forfeiture of any or all the securities, which that company has given said President, and, if not, what security we have that they will fulfil the guarantee contained in said article.

Mr. Henley moved to take from the table a resolution relative to furnishing the public printer with a list of absentees for publication;

Which motion was decided in the negative.

On motion of Mr. Robinson of R.,

Resolved, That the committee on canals and internal improvements be instructed to inquire into the expediency of passing a law authorizing the holders of bonds, mortgaged to the State on account of money owing the State from the stockholders of the Lawrenceburgh and Indianapolis rail road company, to sell such bonds in detached parcels, to suit purchasers, and that the State release so much of said land, as may be so sold or disposed of, upon the holder paying into the State Treasury as pro rata amount, for so much as said land may be mortgaged for; provided that the Treasurer of State may require collateral security of said landholders, if he believes the security of said fund is lessened by said sale, with leave to report by bill or otherwise.

On motion of Mr. Rippey,

Resolved, That the committee on education be instructed to inquire into the propriety of so amending the school law, as to authorize the township trustees to inspect the books of the district trustees, in place of the county commissioners.

On motion of Mr. Porter,

Resolved, That the committee on elections be instructed to inquire into the expediency of so amending the 35th section of the law regulating elections general, approved February 17th, 1838, as to make the individual contesting an election liable for the costs that may accrue on such contested election, when he may fail in such contest, with leave to report by bill or otherwise.

On motion of Mr. Eccles,

Resolved, That the committee on military affairs be instructed to

inquire into the expediency of revising the militia laws of the State of Indiana, so as to establish a uniform mode of discipline in the militia of said State.

On motion of Mr. Carleton of F.,

Resolved, That the judiciary committee be instructed to examine what amendments, if any, are necessary to the 54th section of an act, entitled "an act to organize probate courts and defining the powers and duties of executors, administrators and guardians," approved February 17th, 1838, and that they report by bill or otherwise.

On motion of Mr. Finch,

Resolved, That the committee on education be instructed to inquire into the expediency of regulating by law the amount of fees to be allowed and paid by agents of the surplus revenue for collecting and securing the debts due said fund in the several counties where suits or other proceedings are had for that purpose; and whether it be necessary to extend to the debtors to said fund farther time to pay their respective debts thereto.

Mr. Campbell introduced

No. 143, a joint resolution relative to the two White rivers in Indiana;

M. Hull introduced

No. 144, a joint resolution relative to a grant of lands for an Asylum for deaf and dumb mutes;

Mr. Jones introduced

No. 145, a bill relative to the three per cent. fund in Spencer county;

Mr. Herriman introduced

No. 146, a bill to encourage the raising of sheep and hogs and for other purposes;

Mr. Hull introduced;

No. 147, a bill to regulate the mode of petitioning the Legislature in certain cases;

Mr. Cooper introduced

No. 148, a bill to change the name of Susannah Dearing and for other purposes;

Mr. Herriman introduced

No. 149, a bill to legalize the acts of the Probate Courts of DeKalb county;

Mr. Arnold introduced

No. 150, a bill relative to the Probate Courts in Bartholomew county;

Mr. Haublen introduced

No. 151, a bill to change the time of commencing the sessions of the General Assembly;

Mr. Butler introduced

No. 152, a bill to subject debts and equitable interests of judgment debtors to the payment of judgments;

Mr. Eccles introduced

No. 153, a bill to incorporate the White Lick Commercial Company;

Mr. Hull introduced

No. 154, a bill fixing the rate of toll for grinding;

Mr. Allison introduced

No. 157, a bill to relocate a part of a State road therein named;

Mr. Hull introduced

No. 158, a bill to amend an act entitled "an act to regulate the jurisdiction of justices of the peace;

Mr. Sweetser introduced

No. 159, a bill to fix the time of holding probate courts in Marion county;

Which were severally read a first time and passed to a second reading.

Mr. Henley introduced

No. 155, a bill to incorporate the Walnut Bridge Cemetry;

Mr. Jenckes introduced

No. 156, a bill to incorporate the Fort Harrison Guards;

Which were severally read a first and second times, the rule being suspended and referred to the committee on corporations.

The House now proceeded to the consideration of the orders of the day.

No. 86, a bill to relocate the seat of justice in the county of Lagrange, was read a second time; when

Mr. Thompson, on leave, presented several remonstrances from sundry citizens of Lagrange county, on the same subject; which, together with the bill he moved to recommit to a select committee;

Which motion was decided in the negative.

The bill was then ordered to be engrossed for a third reading.

No. 87, a bill to rebuild the bridge across Laughery creek, in Ripley county;

No. 88, a bill to enlarge the powers of the probate court of Marion county in a certain case therein named;

No. 89, a bill to vacate the town of Voltonville;

No. 90, a bill to change the name of the town of Wilmington in Rush county;

No. 91, a bill to legalize the acts of the trustees of the town of Rockport, in Spencer county;

No. 94, a bill declaring certain names therein misprints.

No. 95, a bill to regulate the jurisdiction of justices of the peace in Brown county;

No. 98, a bill to repeal an act, entitled "an act to vacate a State road from Corydon, in Harrison county, to the Ohio river, opposite the mouth of Salt river;

No. 99, a bill concerning the tax imposed upon the lands of residents in the county of Pike, for the purpose of opening and repairing roads and highways;

No. 100, a bill to locate a State road in the counties of Tippecanoe and Jasper;

No. 101, a bill to locate a State road therein named;

No. 102, a bill to authorize the election of an additional justice of the peace in Wayne township, in Marion county;

No. 103, a bill to locate a State road in Green county;

No. 105, a bill to amend an act entitled "an act to establish certain State roads therein named;

No. 110, a bill to legalize the proceedings of the commissioners of De Kalb county;

Were severally read a second time, and ordered to be engrossed for a third reading.

No. 92, a bill for the relief of settlers on canal lands, was read a second time; and

On motion of Mr. Milroy,

Committed to the committee on canals and internal improvements.

No. 93, a bill to locate a State road in the county of Dubois, was read a second time; and

On motion of Mr. Cooper,

Referred to the committee on roads.

No. 96, a bill to incorporate the Greensburgh and Vernon turnpike;

No. 97, a bill to incorporate the town of Noblesville, in the county of Hamilton, Indiana,

Were severally read a second time, and referred to the committee on corporations.

Mr. Morgan moved to postpone the previous orders of business, and take up the bill relative to the election of assessors and collectors, which motion did not prevail.

No. 104, a bill to amend a part of an act, entitled "an act pointing out the mode of levying taxes, and fixing the per centum for State purposes;" approved February 15th, 1839, was read a second time; and

On motion of Mr. Cooper,

Referred to the committee of ways and means.

No. 106, a bill to amend an act, entitled "an act relative to domestic attachments, was read a second time, and referred to the committee on the judiciary.

No. 108, a bill to locate a State road in the county of Hancock, was read a second time; and

On motion of Mr. Foster,

Referred to the committee on roads.

No. 109, a bill to incorporate the Governor's Guards, of Gentryville, Spencer county, was read a second time, and referred to the committee on corporations.

No. 111, a bill to repeal an act amendatory of an act regulating the taking up of animals going astray, and water craft, and other articles of value adrift, was read a second time, when

Mr. Allison moved that the bill be indefinitely postponed,

Mr. Foster moved to lay the bill upon the table;

Which motion did not prevail.

On the question, shall the bill be indefinitely postponed? It was decided in the negative.

Mr. Fisher moved to commit the bill to a select committee, with instructions to amend the present law, so as to provide for the advertisement of astrays in the local papers of the State, as well as at the seat of government.

Mr. Allison moved that the bill and proposed instructions be laid upon the table;

Which motion was decided in the affirmative.

Mr. Bennett made the following report:

MR. SPEAKER—

The committee on claims, to whom was referred the claim of Levi Wright and John Early, for bringing a fugitive who had fled from justice from this State to the State of Tennessee, have, according to order, had that subject under consideration, and have directed me to recommend the adoption of the following resolution, viz:

Resolved, That the committee of ways and means be instructed to allow in the specific appropriation bill the sum of \$272 00 for said services to said Early.

On motion,

Said report was concurred in by the House.

On motion,

The House adjourned until Monday morning next, at 9 o'clock,

MONDAY MORNING, JANUARY 20, 1840.

The House met pursuant to adjournment.

The Speaker laid before the House, the communication of David Christy, soliciting a subscription, on the part of the State, for the "Historical Library;"

Which was referred to the committee on education.

The Speaker laid before the House a report from the State Board of Internal Improvement, in answer to a resolution of inquiry, on the subject of the amount of the money paid upon the rail road, between the top of the River hill at Madison, and the town of Vernon, for repairs, &c. &c.;

Which was referred to the committee on canals and internal improvements, and one hundred copies ordered to be printed.

Mr. Allison asked leave of absence for Mr. Bennett; which was granted by the House.

Mr. Bowles moved to dispense with the rules of the House, and take from the table the report made by Mr. Fitch, from a select committee

on the subject of the Governor's Message,

And the ayes and noes being requested thereon by Messrs. Judah and Butler,

Those who voted in the affirmative were :

Messrs. Albertson, Arnold, Baker, Bowles, Buckles, Carleton of F., Carlton of L., Clark, Conaway, Davis, Eccles, Edmonston, English, Farley, Fitch, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamblen, Henley, Herriman, Hull, Hunt of J., Johnson, Lane, Lanius, Lee, M'Cormack, M'Coy, Miller, Milroy, Monroe, Moore of O., Moore of V., Nelson of B., Nelson of M., Osborn of F., Osborn of U., Perry, Purviance, Porter, Rippey, Sands, Shively, Spann, Stewart, Thompson, Warriner, Wheeler, White, Wilson of W., Worster and Mr. Speaker.—55.

Those who voted in the negative were :

Messrs. Allison, Atherton, Beckett, Bell, Bennett, Berkshire, Burke, Butler, Campbell, Coats, Cogswell, Cooper, Cox, Cutter, Dunn, Everts, Finch, Flint, Hamer, Jackson, Jamison, Jenckes, Jones, Judah, Lancaster, M'Gaughey, Montgomery, Morgan, O'Neill, Parker, Robertson of J., Robertson of Ripley, Rush, Sweetser, Wilson of M., Woodard and Zenor.—36.

So the rules were dispensed with, and the report taken up accordingly.

Before any question was taken thereon, the House adjourned until two o'clock, P. M.

2 o'clock P. M.

The House met pursuant to adjournment.

Mr. Morrison made the following report:

MR. SPEAKER—

The joint committee on enrolled bills, report that they have compared the engrossed with the enrolled bills, and joint resolution, of the following titles which originated in the Senate, viz.

No. 15, an act to change the name of Germantown in Floyd county to that of Galena.

No. 56, an act fixing the time of holding the Probate and Commissioners Courts in the county of Park and for other purposes.

No. 5, a joint resolution in relation to operations on the Wabash and Erie canal, to secure the speedy completion thereof, and for other purposes.

And the following engrossed with the enrolled bill, which originated in the House, viz.

No. '23, an act to incorporate the New Washington Seminary, and find them truly enrolled:

Whereupon, the Speaker signed the same;

Ordered, That the Clerk inform the Senate thereof.

The House now again resumed the consideration of the report of the select committee on the Governor's Message, in relation to the finances of the country—the question being, shall said report be concurred in?

Mr. Farley moved to lay the report upon the table,

And the ayes and noes being requested thereon by Messrs. and Judah,

Those who voted in the affirmative were:

Messrs. Allison, Atherton, Beckett, Bell, Bennett, Berkshire, Burke, Butler, Campbell, Carleton of F., Coats, Cooper, Cox, Cutter, Dunn, Everts, Farley, Finch, Flint, Hamer, Hunt of R., Jackson, Jamison, Jenckes, Jones, Judah, Lancaster, M'Gaughey, Montgomery, Morgan, O'Neal, Parker, Robinson of J., Robinson of Ripley, Rush, Thompson, Woodard and Zenor.—38.

Those who voted in the negative were:

Messrs. Albertson, Arnold, Baker, Bowles, Buckles, Carlton of L., Clark, Cogswell, Conaway, Davis, Eccles, Edmonson, Englith, Fisher, Fitch, Frisbie, Garrigus, Gardner, Haddon, Hamblen, Henley, Heriman, Hull, Hunt of J., Johnson, Lane, Lanius, Lee, Long, McCoy, Miller, Milroy, Monroe, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of U., Perry, Purviance, Rippey, Robinson of Rush, Sands, Shively, Southard, Spann, Stewart, Wheeler, Warriner, White, Wilson of W., Worster and Mr. Speaker.—45.

So said report was not laid upon the table.

The question recurring on concurring in the report,

Before any action was had thereon,

The House adjourned until to-morrow morning, nine o'clock.

TUESDAY MORNING, January 21, 1840.

The House met pursuant to adjournment.

The Speaker laid before the House a communication from J. Livingston, public printer to the House, in answer to a resolution on the subject of printing the journals; which,

On motion,

Was referred to a select committee of Messrs. Henley, Atherton, and Albertson.

Mr. Parker (the rule being suspended) introduced

No. 160, a bill fixing the time of holding courts in the sixth judicial circuit;

Which was read three several times, the rule being dispensed with, and passed.

Ordered, That the clerk inform the Senate thereof.

The House now again resumed the consideration of the report from the select committee, made by Mr. Fitch, on the Governor's message, (the rule being suspended.)

Mr. Bennett moved to amend the report, by striking out the following passage, to wit:

"Without now seeking to know, or caring with what particular political party this system originated, we do know, (and this is all we care to know, in the present inquiry,) that the Governor and his friends acting with him, insisted in 1836—7 and 8, upon keeping this system as it was, all the works progressing at one and the same time, crying down all efforts to bring it within the means of the State by classifying; their motto was, "pull up not a stake—as it is, so let it remain."

On the question, Shall the amendment be adopted?

And the ayes and noes being requested thereon by Messrs. Wilson of White and Edmonson,

Those who voted in the affirmative were:

Messrs. Allison, Atherton, Beckett, Bell, Bennett, Berkshire, Burke, Campbell, Carleton of F., Coats, Cooper, Cox, Dunn, Everts, Finch, Flint, Hamer, Hunt of R., Jackson, Jamison, Jenckes, Jones, Judah, Lancaster, Montgomery, Morgan, O'Neill, Parker, Robinson of J., Robinson of Ripley, Rush, Thompson, Wilson of M., Woodard, and Zenor—35.

Those who voted in the negative were:

Messrs. Albertson, Arnold, Baker, Bowles, Buckles, Carlton of L., Clark, Cogswell, Conaway, Davis, Eccles, Edmonson, Fisher, Fitch, Frisbie, Garrigus, Gardner, Haddon, Hamblen, Henley, Hull, Hunt of J., Johnson, Lane, Lanius, Lee, Long, McCoy, McGaughey, Miller, Milroy, Monroe, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of F., Osborn of U., Perry, Perviance, Por-

ter, Rippey, Robinson of Rush, Sands, Shiveley, Southard, Spann, Stewart, Warriner, Wheeler, White, Wilson of W., Worster, and Mr. Speaker—55.

So said amendment was not adopted.

Mr. Finch moved to Amend the report by striking out the following words, to wit:

“This pecuniary embarrassment is not only that of an *entire population*, but of a State in its sovereign capacity—not only of the individuals composing it, but of the aggregate. It prevails *no where else* than in this State, to the same alarming extent.”

And the ayes and noes being requested thereon by Messrs. Edmonson and Finch,

Those who voted in the affirmative were:

Messrs. Allison, Atherton, Beckett, Bell, Bennett, Berkshire, Burke, Butler, Campbell, Coats, Cox, Cutter, Dunn, Finch, Flint, Hamer, Hunt of R., Jackson, Jamison, Jenckes, Jones, Judah, Lancaster, McGaughey, Montgomery, Morgan, O'Neill, Parker, Robinson of J., Robinson of Ripley, Rush, Thompson, Wilson of M., Woodard, and Zenor—34.

Those who voted in the negative were:

Messrs. Albertson, Arnold, Baker, Bowles, Buckles, Carlton of L., Clark, Cogswell, Conaway, Davis, Eccles, Edmonson, Fisher, Fitch, Frisbie, Garrigus, Gardner, Haddon, Hamblen, Henley, Hull, Hunt of J., Johnson, Lane, Lanius, Lee, Long, McCoy, Miller, Milroy, Monroe, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of F., Osborn of U., Perry, Perviance, Porter, Rippey, Robinson of Rush, Sands, Shiveley, Southard, Spann, Warriner, Wheeler, White, Wilson of W., Worster, and Mr. Speaker—54.

So said amendment was not adopted.

Mr. Jones moved to insert in the report, after the words “Governor and his friends,”—the words—“of both parties.”

And the ayes and noes being requested thereon, by Messrs. Jones and Butler,

Those who voted in the affirmative were:

Messrs. Allison, Atherton, Beckett, Bell, Bennett, Berkshire, Burke, Butler, Campbell, Carleton of F., Coats, Cooper, Cox, Cutter, Dunn, Everts, Finch, Flint, Hamer, Hunt of R., Jamison, Jenckes, Jones, Judah, Lancaster, McGaughey, Morgan, O'Neill, Parker, Robinson of J., Robinson of Ripley, Rush, Thompson, Wilson of M., and Woodard—34.

Those who voted in the negative were:

Messrs. Albertson, Arnold, Baker, Bowles, Buckles, Carlton of L., Clark, Cogswell, Conaway, Davis, Eccles, Edmonson, Fisher, Fitch, Frisbie, Garrigus, Gardner, Haddon, Hamblen, Henley, Hull, Hunt of J., Jackson, Johnson, Lane, Lanius, Lee, Long, McCoy, Miller, Milroy, Monroe, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of F., Osborn of U., Perry, Perviance, Porter, Rippey, Robinson of Rush, Sands, Shiveley, Southard, Spann, Stewart, Warriner, Wheeler, White, Wilson of W., Worster, Zenor, and Mr. Speaker—56.

So said amendment was not adopted.

On motion,

The House adjourned until two o'clock, P. M.

Two o'clock, P. M.

The House met pursuant to adjournment.

Mr. Morrison made the following report:

MR. SPEAKER—

The committee on enrolled bills report, that they have compared the engrossed with the enrolled bills, which originated in the House, of the following titles, viz:

No. 24, an act for the relief of James Copeland and Macklin Copeland.

No. 65, an act for the relief of Nicholas G. Cromwell and others.

No. 74, An act to legalize the time of holding the sessions of the board of commissioners of Marion county, and find them truly enrolled.

Whereupon,

The speaker signed the same.

Ordered, That the clerk inform the Senate thereof

The House again resumed the consideration of the report of the select committee on the Governor's message—the pending question, on the last adjournment, being on concurring in the report.

Mr. Morrison made the following report:

MR. SPEAKER—

The committee on enrolled bills report that they have this day presented to the Governor for his signature the following bills of the House, viz:

No. 24, an act for the relief of James Copeland and Macklin Copeland.

No. 65, an act for the relief of Nicholas G. Cromwell and others.

No. 74, an act to legalize the time of holding the sessions of the board of commissioners of the county of Marion.

On motion,

The House adjourned until to-morrow morning, and 9 o'clock.

WEDNESDAY MORNING, JANUARY 22, 1840.

The House met pursuant to adjournment.

Mr. Burke asked leave of absence for Messrs. Bennett and Lancaster, on account of sickness; which leave was granted by the House.

Mr. Cutter moved to suspend the previous orders of business and take up the orders of the day;

Which motion was decided in the negative.

Mr. Farley presented the petition of Clements and Rodick, contractors on the southern division of the Central canal, praying for relief;

Which was referred to a select committee of Messrs. Farley, Flint, Bell, Parker and Albertson.

Mr. Farley also presented the petition of R. and H. Stewart, contractors on the public works in this state;

Which was referred to the same committee.

Mr. Eccles presented the petition of Samuel Wallis and others, on the subject of a certain State road therein named;

Which was referred to a select committee of Messrs. Eccles, Moore of O., and Finch.

Mr. Montgomery presented the petition of Jefferson Bartlett and S. S. Hitchcock and others, on the subject of appropriating a part of the three per cent. fund to building a certain bridge therein named;

Which was referred to the committee on roads.

Mr. Lee presented the petition of Solomon Peters and others, on the subject of the relocation of a certain state road therein named;

Which was referred to the committee on roads.

Mr. Nelson of M., presented the remonstrance of W. J. Taylor and others, against said petition;

Which was referred to the same committee.

Mr. Montgomery presented the remonstrance of sundry citizens of Rushville and its vicinity, against the petition praying for the relocation of a certain state road therein named;

Which was referred to the committee on roads.

Mr. Fitch presented the petition of H. Bliss, for relief, in a certain case;

Which was referred to a select committee of Messrs. Fitch, Wilson of M., and Milroy.

Mr. Cogswell presented the petition of Richard Curry and others, on the subject of the relocation of a certain state road therein named;

Which was referred to a select committee of Messrs. Cogswell, Atherton and Johnson.

Mr. Lane presented the petition of Geo. H. Dunn and others, President and Directors of the Lawrenceburgh and Indianapolis Rail Road Company, praying that one year's further time may be allowed said company to wind up its business;

Which was referred to a select committee of Messrs. Lane, Lanius and Conaway.

Mr. Bell presented the petition of Levi Kinman, praying for the repeal of an act appropriating a part of the three per cent. fund in clearing out and making navigable Pride's creek, from Petersburg to White river;

Which was referred to Messrs. Bell, Edmonson and Miller.

Mr. Nelson of M., presented the petition of Thomas Faith and others, praying that the town of "Faithful" in Montgomery county, may be made a point, in the road from Jeffersonville, via. New Albany, Salem, Bedford, Bloomington, Greencastle, Crawfordsville to Lafayette;

Which was referred to the committee on canals and internal improvements.

Mr. Johnson presented the petition of sundry citizens of Marion and Hancock counties, praying for the relocation of a State road therein named;

Which was referred to the select committee of Messrs. Johnson, Beckett and Nelson of B.

Mr. Wilson of W., presented the petition of sundry citizens of Tippecanoe and Jasper counties, praying for the extension of a certain state road therein named;

Which was referred to a select committee of Messrs. Wilson of W., Milroy and White.

Mr. Morgan presented the petition of Jacob Baker and others, praying for the location of a certain state road therein named;

Which was referred to the committee on roads.

Mr. Porter presented the petition of David Patten and others, praying that a law may be passed, that Whisky may be added, in addition to certain articles now inspected, as an article of trade for a southern market;

Which was referred to the committee on agriculture.

Mr. Montgomery asked to be excused from serving on a select committee, in relation to the county seat of Jasper county; which was granted by the House; when

Mr. Porter was appointed on said committee, to fill said vacancy.

Mr. Sweetser presented the petition of William C. Bloomer and Nemiah Bloomer, in relation to certain services rendered during the last session of the Legislature;

Which was referred to the committee on claims.

Mr. Foster presented the petition of William Galliher and others, on the subject of building a school house;

Which was referred to the committee on education.

Mr. Henley presented several petitions from the citizens of Clark and Washington counties, in relation to a certain state road therein;

Which was referred to a select committee of Messrs. Henley, Monroe and Morrison.

Mr. Southard, on leave granted, introduced

No. 161, a bill to incorporate the Wabash Rifle Rangers;

Which was read a first time and passed to a second reading.

Mr. Lane, from the select committee on that subject, reported

No. 162, a bill to divorce Ruth Ann Douglass;

Which was read a first time and passed to a second reading.

Mr. Lane, from the select committee to whom the subject was referred, reported

No. 163, a bill to allow farther time to the Lawrenceburgh and Indianapolis Rail Road Company to settle up and close their affairs;

Which was read a first time and passed to a second reading.

Mr. Long made the following report.

MR. SPEAKER—

The committee on ways and means to whom was referred a bill for the relief of the collector of Porter county, have had the same under consideration and are of opinion that the relief prayed for should not be granted; and

Therefore recommend the postponement of the bill.

They have also had under consideration, a bill to amend a part of an act entitled an act pointing out the mode of levying taxes and fixing the per centum for State purposes, approved Feb. 15, 1839, and have directed me to report the same to the House without amendment and recommend its passage.

The bill mentioned in the Message, for the relief of the collector of Porter county, was indefinitely postponed.

The bill No. 104, mentioned in the Message, to amend a part of an act entitled "an act pointing out the mode of levying taxes and fixing the per centum for State purposes, approved Feb. 15, 1839, was

On motion of Mr. Long,

Laid upon the table.

Mr. Long then moved to suspend the order of business and take under consideration, bill No. 97, of the Senate, to amend an act entitled "an act pointing out the mode of levying taxes and fixing the per centum for state purposes, approved Feb. 15, 1839;

Which was severally read a first second and third times--the rule being suspended; when

Mr. Fisher moved to lay the bill upon the table;

Which motion was decided in the negative.

Mr. Wilson of M., moved to recommit the bill to the committee on agriculture, with instructions:

Which motion was decided in the negative.

Mr. Robinson of J., moved to lay the bill upon the table;

Which motion did not prevail. On the question, shall the bill pass? it was decided in the affirmative.

Ordered, That the clerk inform the Senate thereof.

Mr. Eccles made the following report:

MR. SPEAKER—

The judiciary committee, to whom was referred the petition of Simon D. Ettzrath and Frederick Ettzrath, and others, asking the legislature of the State of Indiana to pass a law authorizing them to vend lottery tickets, and to draw lotteries in the said State of Indiana; and as a reason for asking such privilege says, that the said Simon D. Ettzrath, who was a merchant, had his store and goods burnt, and his father, Frederick Ettzrath, is his security.

Your committee regrets the calamity that led to the application, but believe the legislature has no right to violate the penal laws of the land, as well as good morals, to grant them relief. The statute approved 6th February, 1832, makes it penal to sell any lottery tickets, or share in any lottery or scheme for a division of property to be determined by chance. Your committee therefore deem it inexpedient and improper to legislate further on the subject, or to repeal the laws on that subject now in force, and have so directed me to report to the house, and ask to be discharged from the further consideration thereof.

On motion,

The report of the committee was concurred in.

Mr. Robinson of J. made the following report:

MR. SPEAKER—

The committee on the judiciary, to whom was referred a resolution instructing them to enquire into the expediency of so amending the law relative to probate courts, as to dispense with the taking out of letters of administration on the estate of any decedent, when it shall appear to the satisfaction of the court, in term time, or the clerk thereof in vacation, by an inventory filed and verified by the affidavit of two creditable and disinterested persons, that the estate of said decedent is not worth one hundred dollars. And also a resolution instructing them to enquire into the expediency of so amending the law

for the collection of debts due on book account, as to allow the plaintiff to swear to the correctness of his bill of accounts, or to prove generally that he keeps regular and correct accounts; have had the same under consideration according to order, and have instructed me to report, that it is inexpedient to legislate thereon, the law as it at present stands being amply sufficient to accomplish the end proposed by said resolutions. They therefore ask to be discharged from the farther consideration of the same.

The report was concurred in by the House, and the committee discharged accordingly.

Mr. Robinson of J., made the following report:

MR. SPEAKER—

The committee on the judiciary, to whom was referred a bill to amend an act establishing probate courts, and defining the powers and duties of executors, administrators and guardians; and also several resolutions on the same subject, have had the same under consideration according to order, and have instructed me to report the bill back to the House with sundry amendments, and recommend the passage of the same.

The report of the committee was concurred in, and the bill ordered to be engrossed for a third reading to-morrow.

Mr. Finch made the following report:

MR. SPEAKER—

The committee on the judiciary, to which was referred "a bill for the election of prosecuting attorneys for each county by the qualified voters thereof;" have had the bill under their consideration, and have directed me to report the same back to the House without amendment, and ask to be discharged from its farther consideration.

The committee was discharged accordingly; and

On the question, Shall the bill be engrossed for a third reading, it was decided in the negative.

Mr. Parker made the following report:

MR. SPEAKER—

The judiciary committee, to whom was referred certain papers in reference to the discharge of David Milburn, jr., a fugitive from justice from the State of Tennessee, by Eleazer Coffeen, one of the associate judges of Delaware county, before whom said David was brought, by virtue of a writ of habeas corpus, have had the same under consideration, and have directed me to report, That from the face of the papers themselves they are wholly unable to give any opinion

as to the legality or illegality of the discharge of said fugitive as aforesaid. But upon enquiry, they are of the opinion, that no outrage of public justice has occurred from said discharge—that no dissatisfaction has resulted therefrom in the county of Delaware or elsewhere, deserving of the attention of this Legislature, and that the associate judge aforesaid acted in good faith, if not strictly legal. The committee therefore asks to be discharged from further consideration of the case.

The report was concurred in, and the committee discharged accordingly.

Mr. Monroe made the following report:

MR. SPEAKER—

The committee on the affairs of the state prison, to whom was referred a resolution of the House, enquiring into the expediency of appropriating on the part of the state, for the protection of property held by the State in the town of Jeffersonville, an amount equal to the proportion of property held by the State in said town, for the purchase of a fire engine and hose, has had the same under consideration and directed me to report the following bill, to wit:

No. 164, a bill relative to the purchase of a fire engine in the town of Jeffersonville;

Which was read a first time and passed to a second reading.

Mr. Monroe made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of Hugh M'Pheeters and others, praying an additional term of the Washington circuit court, have had the same under consideration, and directed me to report the following bill, to wit:

No. 165, a bill to authorize the holding of an additional term of the circuit court for the county of Washington:

Which was read a first time and passed to a second reading.

Mr. Fitch made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of Andrew Wilson, asking pay for work performed and material furnished for the bridge on the Michigan road across White river, having had the subject under consideration, have directed me to report it back to the House, together with the following resolution, the passage of which they recommend.

Resolved, That the committee of ways and means be instructed to

allow, in their specific appropriation bill, the petitioner, Andrew Wilson, nine hundred and four dollars and twenty-seven cents, for labor performed and material furnished on the bridge over White river, at the crossing of the Michigan road.

On motion of Mr. Long,

The report of said committee, and accompanying resolution, were referred to the committee on claims.

Mr. Lanius made the following report:

MR. SPEAKER—

The select committee, to whom was referred the petition of Farrington Barricklow and others, relative to a State road therein named, have had the same under consideration, and have directed me to report the following bill, to wit:

No. 166, a bill to relocate the State road leading from Rising Sun, in the county of Dearborn, to Versailles in Riply county;

Which was read a first time and passed to a second reading.

Mr. Eccles made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of sundry citizens of Morgan county in relation to a certain State road therein named, have according to order had the same under consideration and have directed me to report the following bill, to wit:

No. 167, a bill for the benefit of, and concerning a State road therein named;

Which was read a first time and passed to a second reading.

Mr. Spann made the following report:

MR. SPEAKER—

The select committee to whom was referred several petitions on the subject of a State road therein named, have had the same under consideration and have directed me to report the following bill, in accordance with the prayer of said petitioners, to wit:

No. 168, a bill to locate a State road from the town of Marion in Ripley county to the town of Westport in Decatur county;

Which was read a first time and passed to a second reading.

Mr. Jencks made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of Harriett

B. Williams and others, asking a confirmation of the title made by them to certain real estate, have had the same under consideration, and instructed me to report the following bill, to wit:

No. 169, a bill to confirm the title made by Harrit M. Williams and Thomas H. Williams, minors, to certain real estate therein designated;

Which was read a first time and passed to a second reading.

Mr. Jones made the following report:

MR. SPENKER—

The select committee to whom was referred the petition of sundry citizens of the counties of Perry and Spencer, relating to a certain State road, have had the same under consideration, and have directed me to report the following bill, to wit:

No. 170, a bill to relocate a part of the State road from Troy to Jasper;

Which was read a first time and passed to a second reading.

Mr. Sands made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of sundry citizens of Crawford county, on the subject of a certain tract of school land in said county, have had the same under consideration, and have directed me to report the following bill, in accordance with the prayer of the petitioners, to wit:

No. 171, a bill concerning the duties of the school commissioner of Crawford county;

Which was read a first time and passed to a second reading.

Mr. Miller made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of John C. Warrick and others, praying for the passage of a special act to authorize the election of a justice of the peace in the town of Owensville in Gibson county, have according to order had the same under consideration, and have directed me to report a bill according to the prayer of said petitioners, to wit:

No. 172, a bill to provide for the election of a justice of the peace in the town of Owensville in Gibson county;

Which was read a first time and passed to a second reading.

Mr. Spann made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of William T. Otto and others of Jackson county, in relation to a State road therein named, have directed me to report the following bill, in accordance with the prayer of said petitioners, to wit:

No. 173, a bill declaring a certain road therein named a State road in Jackson county;

Which was read a first time and passed to a second reading.

Mr. Berkshire made the following report:

MR. SPEAKER—

The select committee to whom was referred a resolution requiring them to inquire into the expediency of so amending the criminal laws, that witnesses summoned and attending on behalf of the State, be allowed fees, &c. Also of providing by law that witnesses volunteering before grand juries to procure indictments be made liable for costs, have had the same under consideration, and have directed me to report the following bill, to-wit:

No. 174, a bill concerning witnesses in criminal cases;

Which was read a first time and passed to a second reading.

Mr. Robinson of Ripley made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of George A. Pool and others, citizens of of Ripley and Dearborn counties, praying for the location of a State road from Versailles in Ripley county to Dillsborough in Dearborn county, have examined said petition, and have directed me to report the following bill, to wit:

No. 175, a bill to locate a State road from Versailles in Ripley county to Dillsborough in Dearborn county;

Which was read a first time and passed to a second reading.

Mr. Wilson of W. made the following report:

MR. SPEAKER—

The select committee to whom was referred the petitions of John Sheets and others on the subject of the formation of a new county, have had the same under consideration and have directed me to make the following report, to wit:

No. 177, a bill locating the county of Benton and for other purposes;

Which was read a first time and passed to a second reading.

Mr. Wilson of W. made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of Thomas Smith and others on the subject of a State road to be located in the county of Jasper have had the same under consideration and have directed me to report the following bill, and to recommend its passage, to-wit:

No. 177, a bill to locate a State road in the county of Jasper;
Which was read a first time and passed to a second reading.

The House now again resumed the consideration of the report of the select committee on the Governor's message.

Before any question was taken thereon,

The House adjourned until two o'clock, P. M.

Two o'clock P. M.

The House met pursuant to adjournment.

The Speaker laid before the House a communication from his Excellency the Governor, transmitting the maps and tract book of the selection of lands, claimed by the State of Indiana, under the act of Congress of 2d March 1827, for that part of the Wabash and Erie canal, between the mouth of Tippecanoe river and Terre Haute.

On motion of Mr. Carleton of F.,

Referred to the committee on canals and internal improvements.

A message from the Governor by Mr. Moore his private Secretary:

MR. SPEAKER—

I am directed by the Governor to inform the House of Representatives, that he has this day approved and signed acts of the titles following to wit:

"An act for the relief of Nicholas G. Cromwell and others."

"An act to legalize the time of holding the sessions of the Board of commissioners of the county of Marion.

"An act for the relief of James Copland and Macklin Copland."

"An act to incorporate the New Washington Seminary," all of which originated in the House of Representatives.

Mr. Morrison made the following report:

MR. SPEAKER—

The committee on enrolled bills have this day compared the en-

grossed with the enrolled bills which originated in ~~the~~ House, of the following titles, viz:

No. 22, an act to vacate part of a street in the town of Brookville.

No. 30, an act supplemental to an act relating to public roads and highway.

No. 6, an act for the relief of the heirs of Robert Meek, deceased.

No. 160, an act fixing the time of holding the courts in the sixth judicial circuit, and find them truly enrolled;

Whereupon,

The Speaker signed the same.

Ordered, That the clerk inform the Senate thereof.

The House again resumed the consideration of the report of Mr. Fitch from the select committee on the Governor's message.

Before any question was taken thereon,

On motion,

The House adjourned until to morrow morning at nine o'clock.

THURSDAY MORNING, JANUARY 23, 1840.

The House met pursuant to adjournment,

A message from the Senate by Mr. Test their secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that the Senate has adopted the following resolution, viz:

Resolved, by the Senate, the House of Representatives concurring therein, That a joint committee of two from the Senate, and three from the House, be appointed by the President of the Senate and Speaker of the House respectively, with power to send for persons and papers, to repair to Bloomington to enquire into the condition of the State University, whether or not it is in a flourishing condition? and if not, what is the cause, and what means should be adopted to secure its prosperity? And also call a meeting of the board of trustees, if necessary, with a view to make it in point of fact what it purports to be, a State University, and report the result of their investigations to the next General Assembly. Messrs. Cravens and Watts are appointed the committee on the part of the Senate.

On motion of Mr. Edmonston,

The report from the Senate was laid upon the table.

A message from the Senate, by Mr. Test, their secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed bills of the House, viz:

No. 24, an act for the relief of James Copland and Macklin Copland.

No. 65, an act for the relief of Nicholas G. Cromwell and others.

No. 74, an act to legalize the time of holding the sessions of the board of commissioners of the county of Marion, and

No. 80, an act regulating the jurisdiction of justices of the peace in Jackson county.

The three first without amendment, the latter with an amendment in which the concurrence of the House is requested.

The Senate have also passed engrossed joint resolutions thereof as follows:

No. 10, a joint resolution upon the subject of the harbor at Michigan City; and

No. 83, a joint resolution for the relief of Peter Houston, in which also the concurrence of the House is respectfully requested.

The amendment made by the Senate to bill of the House No. 80, was concurred in.

No. 10, a joint resolution of the Senate, upon the subject of the harbor at Michigan city, was read a first and second times; and

On motion of Mr. Everts,

Referred to a select committee, together with a bill of the House on the same subject.

Ordered, That Messrs. Everts, Rush, and Warriner be said committee.

No. 83, a joint resolution for the relief of Peter Houston, mentioned in the message, was read a first time and passed to a second reading.

A message from the Senate, by Mr. Test, their Secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives, that the Senate have this day passed a bill of the Senate, entitled,

No. 94, a bill for the relief Phebe Clymer;

Also, a bill of the Senate, entitled

No. 95, a bill establishing a State road in the county of Switzerland, in which the concurrence of the House of Representatives is respectfully requested.

Bill No. 94, mentioned in the message, was read a first and second times and referred to the committee on claims.

Bill No. 95, mentioned in the message, was read a first time and passed to a second reading.

A message from the Senate by Mr. Test, their secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed bills of the House as follows, viz:

No. 6, an act for the relief of the heirs of Robert Meek, deceased.

No. 22, an act to vacate part of a street in the town of Brookville.

No. 30, an act supplemental to an act relating to public roads and highways, approved February 17, 1838.

No. 160, an act fixing the times of holding the courts in the 6th judicial circuit; each without amendment.

Also, the Senate has passed an engrossed bill of the House, entitled

No. 42, an act to amend an act entitled an act fixing the times of holding courts in the fourth judicial circuit;

And an engrossed joint resolution thereof,

No. 67, a joint resolution in relation to Edward M. Beckwith; each with an amendment in which the concurrence of the House is respectfully requested.

Also, the Senate has passed engrossed bills thereof as follows:

No. 7, an act amendatory to an act relative to practice in circuit courts, approved February 18, 1839.

No. 8, an act to provide for the support of the indigent blind of this State.

No. 11, an act for the relief of the heirs of Martin Berg.

No. 39, an act to amend an act for the incorporation of county libraries, approved Feb. 17, 1838.

No. 42, an act to incorporate the Orange Guards.

No. 46, an act to incorporate the Bartholomew County Silk Company.

No. 61, an act amendatory of the charter of Michigan City.

No. 69, an act to authorize the sale of certain public ground in the town of St. Omer, in Decatur county, and for other purposes.

No. 70, an act relating to the time of holding the circuit courts in the counties of La Porte, Porter, and Lake, in the 9th judicial circuit; and

No. 75, an act to revive a State road therein named; in which also the concurrence of the House is respectfully requested.

The amendment of the Senate to the engrossed bill of the House No. 42, was concurred in; also, in the amendment of the Senate to the engrossed joint resolution of the House No. 67.

Bills Nos. 7, 8, 11, 39, 42, 46, 61, 69, 70 and 75, of the Senate, mentioned in the message, were severally read a first time and passed to a second reading.

Mr. Albertson presented the petition of James M. Keethly and others, praying for an additional justice of the peace and constable for the town of Palmyra, in Harrison county;

Which was referred to a select committee of Messrs. Albertson, Zenor and Sands.

Mr. Albertson presented the petition of James M. Keethly, contractor on the public works;

Which was referred to the committee on canals and internal improvements.

Mr. Dunn presented the petition of Isaac D. Armstrong and others, praying that a certain county road may be declared a State road;

Which was referred to the committee on roads.

Mr. Sweetser presented the petition of Julia A. Wernwag, widow and relict of William H. Wernwag deceased, late a contractor on the Cross-Cut canal, praying relief;

Which was referred to the committee on canals and internal improvements.

Mr. Herriman presented the petition of Reuben Wheeler and others, on the subject of a uniform mode of doing township business;

Which was referred to the same select committee heretofore appointed on that subject.

Mr. Herriman presented two several petitions of Asa Brown and others, of Lagrange and Noble counties, praying for a new county;

Which, on motion of Mr. Herriman, was laid upon the table.

Mr. Finch presented the petition of Thomas Needham and others, citizens of Johnson county, relative to a State road;

Which was referred to a select committee of Messrs. Finch, Moore of O., and Hamblen.

Mr. Long made the following report:

MR. SPEAKER—

The committee on ways and means, to whom was referred a resolution directing them to enquire into the expediency of reducing the salaries of the board of internal improvements, have had the same under consideration; the committee are of opinion that the salaries are too high and should be reduced, but are also of opinion that it is a matter that should undergo the investigation of the committee on canals and internal improvements, and have therefore directed me to report the resolution to the House, and recommend its reference to said committee.

The report of the committee was concurred in, and the resolution referred accordingly.

Mr. Cooper made the following report:

MR. SPEAKER—

The committee on ways and means, to whom was referred the petition of Martin S. Johnson, collector of Clay county, on the subject of passing a special act for his relief, relative to a delinquent list he has filed in the clerk's office in Clay county; and also, relative to delinquent persons that have not paid their taxes in Clay county; the committee have had that subject under consideration, and they have directed me to report, that it is inexpedient to legislate on that subject, and ask to be discharged from any further consideration of the same.

The report was concurred in, and the committee discharged accordingly.

Mr. English made the following report:

MR. SPEAKER—

The committee of ways and means, to which was referred a resolution of this House instructing them to inquire into the expediency of amending so much of the revenue law as requires the unpaid tax on non-resident lands are to be assessed and collected at a rate of fifty to one hundred per cent. more than it would otherwise have been; have had the same under consideration, and directed me to report it inexpedient to legislate on that subject at present, and ask to be discharged.

The report was concurred in, and the committee discharged accordingly.

Mr. Finch made the following report:

MR. SPEAKER—

The judiciary committee have had under their consideration the petition of John Gilbert and others, which was referred to them, and in accordance with the prayer of the petitioners, have directed me to report the following bill, to wit:

No. 178, a bill to extend to Grant county the provisions of an act entitled "an act providing for a more uniform mode of doing township business in the several counties therein named;

Which was read a first time and passed to a second reading.

Mr. Farley made the following report:

MR. SPEAKER—

The committee on claims, to whom was referred engrossed bill of the Senate No. 21, for the relief of A. W. Noe, have had the same under consideration, and have directed me to report the same back to the house without amendment, and ask to be discharged from the further consideration thereof.

The committee was discharged, and the bill read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Morgan made the following report:

MR. SPEAKER—

The committee on roads to whom was referred the petition of L. H. Mills and others, for a State road in Montgomery county; the petition of David Sutton and others for the vacation of one State road and the re-establishment of another in Jefferson county; the petition of Thomas Williams and others for a change in part of a State road in Boon county; the petition of Ephraim P. Hester and others asking an appropriation from the three per cent. fund in Vigo county, and the petition of Augustus Watson and others for the vacation of a certain State road in Warren county, have had the same under consideration, and directed me to report it inexpedient to legislate on these subjects, and ask to be discharged from the further consideration of the same.

On motion,

The report was concurred in and the committee discharged accordingly.

Mr. Sweeter made the following report:

MR. SPEAKER—

The committee on corporations to whom was referred No. 155, a bill to incorporate the Walnut Ridge Cemetry, have had the same under consideration, and directed me to report the same with an amendment;

Which report was concurred in by the House.

Ordered, That the bill be engrossed for a third reading.

Mr. Sweetser made the following report:

MR. SPEAKER—

The committee on corporations to whom was referred the bill to incorporate the Governor's Guards in Gentryville in Spencer county,

have had the same under consideration, and directed me to report the same, with the following amendments;

Which amendments were concurred in, and the bill ordered to be engrossed for a third reading.

Mr. Sweetser made the following report:

MR. SPEAKER—

The committee on corporations to whom was referred the bill to incorporate the Greensburgh and Vernon turnpike company, have had the same under consideration, and directed me to report the same with sundry amendments;

Which were concurred in by the House.

Ordered, That the bill be engrossed for a third reading.

Mr. Sweetser made the following report:

MR. SPEAKER—

The committee on corporations to whom was referred the bill to incorporate the town of Noblesville, have had the same under consideration, and directed me to report the same with sundry amendments;

Which were concurred in by the House.

Ordered, That the bill be engrossed for a third reading.

Mr. Sweetser made the following report:

MR. SPEAKER—

The committee on corporations to whom was referred No. 156, a bill to incorporate the Fort Harrison Guards, have had the same under consideration, and directed me to report the same with sundry amendments;

Which amendments were concurred in.

Ordered, That the bill be engrossed for a third reading.

Mr. Thompson made the following report:

MR. SPEAKER—

The committee on corporations to whom was referred the bill to incorporate the city of Fort Wayne, have had the same under consideration, and directed me to report the same with several amendments;

Which were concurred in by the House.

Ordered, That the bill be engrossed for a third reading.

The House now again resumed the consideration of the report of the select committee, made by Mr. Fitch on the Governor's message.

On the question, shall said report be concurred in by the House?

And the ayes and noes being requested thereon, by Messrs. Judah and Long,

Those who voted in the affirmative were:

Messrs. Albertson, Arnold, Baker, Buckles, Bowles, Carlton of L., Clark, Cogswell, Conaway, Davis, Eccles, Edmonson, English, Farley, Fisher, Foster, Fitch, Frisbie, Garrigus, Gardner, Haddon, Hamblen, Henley, Hull, Hunt of J., Johnson, Lane, Lanius, Lee, Long, McCoy, Miller, Milroy, Monroe, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of F., Osborn of U., Perry, Porter, Rippey, Robinson of Rush, Sands, Shiveley, Southard, Spann, Stewart, Warriner, Wheeler, White, Wilson of W., Worster and Mr. Speaker—55.

Those who voted in the negative were:

Messrs. Allison, Atherton, Beckett, Bell, Berkshire, Burke, Butler, Campbell, Carleton of F., Coats, Cooper, Cox, Dunn, Everts, Finch, Flint, Hamer, Hunt of R., Jackson, Jamison, Jenckes, Jones, Judah, Lancaster, McGaughey, Montgomery, Morgan, O'Neill, Parker, Robinson of J., Robinson of Ripley, Rush, Sweetser, Thompson, Wilson of M., Woodard and Zenor—37.

So said report was concurred in.

On motion,

The House adjourned until two o'clock, P. M.

Two o'clock. P. M.

The House met pursuant to adjournment.

Mr. Herriman made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of Charles Mosher have had the same under consideration and directed me to report the following bill, to wit:

No. 179, a bill to incorporate the Lagrange Collegiate Institute;

Which was read a first and second times, the rule being suspended and referred to the committee on corporations.

Mr. Bell made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of Levi Shirman and others, citizens of Pike county, praying the repeal of an act entitled "an act providing for the clearing out of Pride's creek in Pike county, approved 21st January 1839, have had the same under consideration, and have directed me to report the following bill, to wit:

No. 180, a bill to repeal an act entitled "an act providing for the clearing out of Pride's creek in Pike county, approved January 21st, 1839;

Which was read a first time and passed to a second reading.

Mr. Lanius made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of Joshua Haines and others, have had the same under consideration, and have directed me to report the following bill, to wit:

No. 181, a bill to authorize the relocation of the State road passing through the town of Rising Sun in the county of Dearborn;

Which was read a first time and passed to a second reading.

Mr. Shiveley made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of the Board doing county business in Wabash county, have had the same under consideration and directed me to report the following bill, to wit:

No. 182, a bill to legalize certain acts therein named;

Which was read a first and second times, the rule being suspended, and referred to the committee on corporations.

Mr. Southard made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of sundry citizens of Posey county, praying a State road therein named, have had the same under consideration, and have directed me to report the following bill, to wit:

No. 183, a bill to locate a State road in the county of Posey;

Which was read a first and second times, the rule being suspended, and committed to the committee on roads.

Mr. Herriman made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of J. B. Howe and others, for the revival of an act to incorporate the Lagrange county Manufacturing Company, have had the same under consideration, and directed me to report the following bill, to wit:

No. 184, a bill to revive an act to incorporate the Lagrange Manufacturing Company;

Which was read a first time and passed to a second reading.

Mr. Wheeler moved to dispense with the previous orders of business and take under consideration;

No. , a bill for the formation of the county of and for other purposes;

Which motion was decided in the affirmative.

Mr. Fitch moved that the bill and report of the select committee on that subject be recommitted to the committee on the judiciary;

Which motion was decided in the negative.

Mr. Wilson of M. moved to recommit the bill to a select committee with the following instructions, to-wit: To amend the bill so as to not include the N. E. qr. of township thirty, (30) north of range 4 E.;

Which motion was decided in the negative.

On the question, shall said bill pass?

The ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Atherton, Baker, Berkshire, Bowles, Buckles, Campbell, Carlton of L., Clark, Cogswell, Cooper, Davis, Edmonson, English, Fisher, Foster, Garrigus, Henley, Herriman, Hull, Hunt of J., Hunt of R., Lanius, Long, McCormack, Monroe, Morrison, Nelson of M., Osborn of F., Osborn of U., Perry, Porter, Rippey, Robinson of Rush, Sands, Stewart, Wheeler, White, Wilson of W. and Worster—40.

Those who voted in the negative were:

Messrs. Arnold, Beckett, Bell, Burke, Butler, Carleton of F., Coats, Conaway, Cox, Dunn, Eccles, Everts, Farley, Finch, Fitch, Flint, Haddon, Hamer, Hamblen, Jackson, Jamison, Jenckes, Jones, Lancaster, McGaughey, Milroy, Moore of V., Morgan, Nelson of B., O'Neill, Parker, Robinson of J., Robinson of Ripley, Rush, Shiveley, Spann, Sweetser, Thompson, Wilson of M., Woodard and Zenor—40.

So said bill did not pass.

On motion of Mr. Moore of O.,

Resolved, That a select committee inquire into the expediency of repealing so much of the law as compels the Board doing county business to cause to be selected from the qualified voters of each county

forty eight petit jurors, so far as relates to the county of Owen, with leave to report by bill or otherwise.

Messrs. Moore of O., Baker and Lee were appointed said committee.

On motion of Mr Edmonson,

Resolved, That the committee on the State Bank be instructed to inquire into the expediency of repealing so much of the law of last session as provides for increasing the capital stock of said bank; with leave to report by bill or otherwise.

On motion of Mr. Sweetser,

Resolved, That the public printer furnish each member with a copy of the journals, so far as they are printed, and that he be requested to expedite the printing thereof as fast as the force in his office will permit, and so soon as the journals of each day shall be printed, to furnish them to the House for the use of the members thereof.

On motion of Mr. Osborn of U.,

Resolved, That the committee on elections be instructed to inquire into the expediency of so amending the present law regulating general elections, as to make it the duty of any elector to vote, in his own township, at all general elections; with leave to report by bill or otherwise.

Mr. Robinson of J. introduced the following preamble and resolution:

Whereas, Adam Moderwell, who was the contractor on section number one and a half, of the first division of the Madison and Indianapolis railroad, claims to have sustained damages to a considerable amount, to wit: the sum of about two thousand dollars, by doing more work on said section than was contemplated, either by the commissioner or engineer on said road or himself, at the time said contract was made, for which damages, he considers himself rightfully entitled to compensation from the State; therefore,

Resolved, That a select committee of five be appointed, with power to send for persons and papers, to investigate the claim of said Moderwell, and report to the House what relief, if any, should be granted him; with leave to report by bill or otherwise.

Mr. Herriman moved to amend the resolution, so as to change the reference from a "select," to the standing committee on canals and internal improvements;

Which motion was decided in the affirmative.

The resolution, as amended, was then adopted.

Mr. Judah offered for adoption the following resolution:

Resolved, That this House, the Senate concurring therein, will adjourn on Monday, the 3d day of February next, *sine die*.

Mr. English moved to amend, by striking out "Monday the 3d day February next," and insert "Monday next."

Mr. Bowles moved to lay the resolution and proposed amendment on the table,

And the ayes and noes being requested thereon, by Messrs. Judah and Southard,

Those who voted in the affirmative were:

Messrs. Allison, Berkshire, Bowles, Buckles, Butler, Campbell, Carleton of L., Coats, Cogswell, Cooper, Cox, Davis, Eccles, Edmonson, Everts, Finch, Fisher, Flint, Foster, Haddon, Hamer, Hamblen, Herriman, Hull, Hunt of J., Hunt of R., Lane, Lancaster, Lanius, Lee, McCoy, Monroe, Morgan, Nelson of B., Nelson of M., Osborn of F., Perry, Rippey, Robinson of Ripley, Rush, Sands, Spann, Stewart, Wilson of W., and Mr. Speaker—45.

Those who voted in the negative were:

Messrs. Albertson, Arnold Atherton, Baker, Bell, Burke, Carlton of F., Conaway, Dunn, English Farley, Frisbie, Garrigus, Henly, Jackson, Jamison, Jenckes, Johnson, Jones, Judah, Long, McCormack, McGaughey, Miller, Milroy, Montgomery, Moore of O., Moore of V., Morrison, O'Neill, Osborn of U., Parker, Porter, Robinson of J., Robinson of Rush, Shiveley, Southard, Sweetser, Thompson, Warriener, Wheeler, White, Wilson of M., Woodard, Worster, and Zenor—46.

So said resolution was not laid upon the table.

Mr. Burke moved to amend the amendment, by striking out "Monday next," and inserting "Monday the 17th of February next;"

Which motion was decided in the affirmative.

The resolution, as amended, was then adopted.

Ordered, That the clerk inform the Senate thereof.

Mr. Fitch introduced

No. 185, a joint resolution in relation to contractors;

Mr. Bowles introduced

No. 186, a bill to amend an act, entitled "An act dividing the State into judicial circuits, and fixing the time of holding courts therein; and for other purposes;

Mr. Nelson of M. introduced

No. 185, a bill to incorporate the first Presbyterian Church of Crawfordsville.

Mr. Everts introduced

No. 189, a bill to amend certain acts therein named;

Mr. Lanius introduced

No. 190, a bill to revive "an act entitled an act to amend an act for the benefit of persons who have, or are likely to suffer by the destruction of the records of Dearborn County, which were consumed in the court House in Lawrenceburgh on the 6th of March, 1826;" approved January 11th, 1827;

Mr. Moore of O. introduced

No. 191, a bill to provide for the election of a justice of the peace in the town of White Hall, in Owen county;

Mr. Cooper introduced

No. 192, a bill to declare Main Flat Rock and Big Blue river, in the county of Henry, public highways;

Mr. Morgan introduced

No. 193, a bill to authorize the qualified voters of this State to vote for or against a convention for the revision of the Constitution of this State;

Mr. Bowles introduced

No. 194, a bill for the relief of the collector of the revenue of Orange county;

Mr. White introduced

No. 195, a bill to incorporate the Wabash Fire Company;

Mr. Bowles introduced

No. 196, a bill for the relief of Isaac Pinnick;

Mr. Henley introduced

No. 198, a bill concerning the estate of Benjamin F. Butts;

Which were severally read a first time, and passed to a second reading.

Mr. Jones introduced

No. 188, a bill to declare the meaning of the 29th section of an act to regulate the mode of doing county business in the several counties in this State; approved February 17th, 1838.

Which was twice read—the rule being suspended—and referred to the committee on the judiciary.

Mr. Henley introduced

No. 197, a bill to amend an act to incorporate the town of Jeffersonville;

Which was twice read—the rule being suspended—and committed to the committee on corporations.

Mr. Wilson of M., on leave granted, presented the remonstrance from sundry citizens of Miami county against the change of a State road therein named;

Which was referred to the committee on roads.

Mr. Morrison made the following report:

Mr. SPEAKER—

The committee on enrolled bills report that they have presented to the Governor for his signature, the following enrolled bills of the House, viz:

No. 22, an act to vacate part of a street in the town of Brookville.

No. 30, an act supplemental to an act relating to public roads and highways.

No. 6, an act for the relief of the heirs of Robert Meek, deceased.

No. 160, an act fixing the time of holding the courts in the sixth judicial circuit.

A message from the Governor, by Mr. Moore, his private secretary.

MR. SPEAKER—

I am directed, by the Governor, to inform the House of Representatives, that he did, on yesterday, approve and sign acts of the titles following, to wit:

“An act for the relief of the heirs of Robert Meek dec’d.”

“An act to vacate part of a street in the town of Brookville.”

“An act supplemental to an act relating to public roads and highways.”

“An act fixing the time of holding the courts in the sixth judicial circuit,”

All of which originated in the House of Representatives.

The House now proceeded to the consideration of the orders of the day.

The engrossed bill of the Senate No. 13, to incorporate the Orleans Institute, was read a first and second times—the rule being suspended—and committed the committee on corporations.

Bill of the Senate No. 64, granting relief in a certain case therein named, was read a second time and passed to a third reading.

No. 107, a bill to authorize Stephen Barns to build a mill dam across White river;

No. 112, a bill to provide for taking the enumeration of the white male inhabitants above the age of twenty-one years in this state;

No. 113, a bill to repeal an act entitled “an act to incorporate the Greencastle Savings Institution and Manufacturing and Trading Company, approved February 16th, 1839;

No. 116, a joint resolution in relation to the coining of gold dollars, &c.,

No. 117, a bill concerning a school section in Tippecanoe county;

No. 118, a bill to incorporate the Anderson River Bridge Company;

No. 121, a bill to amend an act entitled “an act to incorporate the Indiana Mutual Fire Insurance Company;

No. 122, a bill to legalize the proceedings of the Board doing county business in Huntington county;

No. 124, a bill to provide for the election of a justice of the peace and constable in the town of Canton in Washington county;

No. 126, a bill to provide for the election of a justice of the peace in the town of Marksville in Vigo county;

No. 129, a bill to authorize John T. Wheeler, a minor, to sell certain real estate;

No. 136, a bill for the relief of William Kempton;

No. 138, a bill to provide for the election of a justice of the peace in the town of Bainbridge in Putnam county;

No. 140, a bill authorizing Daniel M. Ingersoll and James Jessops to build a dam across Eel river in Green county;

No. 143, a joint resolution relative to the two White rivers in Indiana;

No. 145, a bill relative to the three per cent. fund in Spencer county;

Were severally read a second time and ordered to be engrossed for a third reading;

No. 144, a joint resolution relative to deaf and dumb mutes, was read a second time; when

Mr. Morrison moved to include "blind" persons, in the provisions of the bill;

Which motion was decided in the affirmative.

Mr. Parker moved to strike out the words "dumb and," before the word "mutes;"

Which motion was decided in the affirmative;

The bill was then ordered to be engrossed for a third reading;

No. 114, a bill to authorize the location of a state road from Camden in Carroll county to Marion in Grant county;

No. 125, a bill to establish a state road therein named;

No. 130, a bill to locate a state road in the counties of White and Cass;

No. 131, a bill to amend an act entitled "an act to incorporate the town of Indianapolis, approved Feb. 17th, 1838,

Were severally read a second time and committed to the committee on roads.

No. 115, a joint resolution in relation to the pay of members, was read a second time; when

Mr. Hull moved to amend the same by inserting, before the words "half pay," the word "but."

Mr. Sweetser moved to commit the joint resolution to a committee of the whole House and make it the order of the day for to-morrow.

Mr. Henley moved to lay the joint resolution upon the table;

Which motion was decided in affirmative.

No. 119, a bill to fix the times of holding the courts in the fifth Judicial Circuit, was read a second time; when

Mr. Sweetser moved that the bill be laid upon the table;

Which motion was decided in the affirmative.

No. 120, a bill to provide that the people may elect their own assessors and collectors, and for other purposes was read a second time; when

Mr. Jenckes moved to lay the bill upon the table;

Which motion was decided in the affirmative.

Mr. Herriman moved that one hundred copies of said bill be printed for the use of the House;

Which motion was decided in the affirmative.

No. 127, a bill to amend an act entitled "an act incorporating the Richmond and Boston Turnpike Company," approved February 15th, 1839, was read a second time; and

On motion,

Referred to the committee on corporations.

No. 128, a memorial and joint resolution asking further appropriation for the prosecution of the public works at Michigan City was read a second time; and

On motion of Mr. Everts,

Referred to a select committee heretofore appointed on that subject.

No. 132, a joint resolution of the General Assembly relative to the town of Indianapolis, was read a second and third times—the rule being suspended—and passed.

Ordered, That the clerk inform the Senate thereof.

No. 133, a bill to amend an act entitled “an act to incorporate the town of Vevay, approved January 30th, 1836, was read a second time; and

On motion,

Referred to the committee on corporations.

No. 134, a bill to insure the leasing of certain water power therein named, was read a second time; when

Mr. White moved to amend the bill by adding the following as an additional section, to wit:

“*SEC. Be it further enacted*, That the said commissioner be authorized and required, in like manner, to lease a portion of the water power created on the Wabash canal, by the Wild Cat dam at Lafayette in Tippecanoe county, equal to that required to propel ten run of mill-stones.”

Mr. Sweetser moved to lay the bill and proposed amendment upon the table;

Which motion was decided in the affirmative.

No. 137, a joint resolution relative to the Secretary of State's office, was read a second and third time—the rule being suspended—and passed.

Ordered, That the clerk inform the Senate thereof.

No. 146, a bill to encourage the raising of sheep and hogs, was read a second time; when

Mr. Cooper moved to amend the bill, by striking out that part thereof which revives the act granting a premium on wolf scalps,

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Allison, Atherton, Baker, Beckett, Bell, Butler, Carleton of F., Conaway, Cooper, Eccles, Farley, Finch, Fisher, Flint, Frisbie, Haddon, Hamer, Henley, Hull, Jackson, Jamison, Jones, Lane, Lanius, M'Coy, M'Gaughey, Miller, Milroy, Monroe, Moore of O., Morgan, Morrison, Nelson of M., O'Neill, Osborn of F., Osborn of U., Parker, Perry, Porter, Robinson of J., Robinson of Ripley, Robinson of Rush, Shively, Spann, Stewart, Sweetser, White, Woodard, Worster, and Zenor.—52.

Those who voted in the negative were:

Messrs. Berkshire, Bowles, Buckles, Burke, Campbell, Carlton of L., Coats, Cogswell, Davis, Dunn, Edmonston, English, Everts, Fitch, Foster, Garrigus, Hamblen, Herriman, Hunt of J., Hunt of R.,

Jenckes, Lancaster, McCormack, Montgomery, Moore of V., Nelson of B., Rippey, Rush, Sands, Southard, Thompson, Warriner, Wilson of M., Wilson of W., and Mr. Speaker.—37.

So said amendment was adopted.

On motion,

The House adjourned until to-morrow morning at nine o'clock.

FRIDAY MORNING, January 24, 1840.

The House met pursuant to adjournment.

Mr. Edmonson presented the petition of Job Shepherd and others, praying for the location of a State road therein named;

Which was referred to the committee on roads.

Mr. Johnson presented the petition of John Zimmerman and others, on the subject of vacating certain alleys in the town of Bridgport;

Which was referred to the same select committee heretofore appointed on that subject.

Mr. Edmonson presented four several petitions of citizens of this State, praying the passage of a law prohibiting the licensing of taverns and groceries, for the purpose of retailing spirituous liquors;

Which were referred to the committee of ways and means.

Mr. Edmonson presented several remonstrances on the same subject;

Which were referred to the same committee.

Mr. Zenor presented the preamble and resolutions, adopted at a public meeting in Harrison county, on the subject of internal improvement and taxation, incident thereto; which,

On motion of the same gentleman, was laid upon the table.

Mr. Everts presented the petition of E. B. Woodson and others, in relation to the law on the subject of recording deeds, &c.;

Which was referred to a select committee of Messrs. Everts, Parker, and Coats.

Mr. Lancaster presented the petition of Isaac Commons and others, praying that a law be passed securing a trial by jury in all cases where personal liberty is at stake.

Mr. Baker moved to reconsider the vote taken on yesterday, on the resolution offered by Mr. Judah, on the subject of an adjournment, *sine die*, by both Houses;

Which motion was decided in the affirmative.

Mr. Baker then moved that the resolution be laid upon the table;

Which motion was decided in the affirmative.

Mr. Cooper made the following report:

MR. SPEAKER—

The committee on ways and means, to whom was referred the following resolutions, to wit: first, a resolution instructing the committee to inquire into the expediency of so amending the revenue law, as to exempt from taxation all improvements on lands, except buildings over a certain value; second, a resolution instructing the committee to inquire if there be any money or means under the control of this House, which can consistently be appropriated to the State's debt to contractors on our public works; third, a resolution instructing the committee to inquire into the expediency of repealing so much of the revenue law of last session, as requires assessors of the different counties to make out a list of the agricultural statistics; fourth, a resolution instructing the committee to inquire into the expediency of organizing, by law, a district board of assessors;

The committee have had all of the aforesaid resolutions under consideration, and report as follows:—First, the committee deem it inexpedient to legislate on the subject contained in the first resolution; second, the committee, in answer to the inquiry of the second resolution, say they know of no money or moneys under the control of this House, that can be applied to the payment of contractors, (and the House has passed a bill for the relief of contractors;) third, in answer to the inquiry of the third resolution, there has a bill passed this House, repealing the same law that the resolution asks to be repealed: and, fourth, the committee deem it inexpedient to legislate on the subject contained in the fourth resolution, and the committee ask to be discharged from any further consideration of the same.

The report of the committee was concurred in, and the committee discharged accordingly.

Mr. Jenckes made the following report:

MR. SPEAKER—

The committee of ways and means, instructed by a resolution of this House, to take into consideration the propriety of reporting a bill, providing that lands lying directly on or near any of the public works, be taxed at a higher rate than lands of corresponding quality and improvements remotely situated from any of the public works, have had that subject under consideration, and instructed me to report, that it is inexpedient, at this time, to legislate upon this subject, and to ask to be discharged from the further consideration of the same:

The report was concurred in, and the committee discharged accordingly.

Mr. English made the following report:

MR. SPEAKER—

The committee of ways and means, to whom was referred the petition of Richard Prior and others, citizens of the county of Cass, requesting so much of an act, entitled "An act pointing out the mode of levying taxes and fixing the per centum for State purposes," approved February 15th, 1839, as relates to taxing canal lands not paid out, have had the same under consideration, and have directed me to report the same back to this House, as inexpedient to legislate upon at present, and ask to be discharged from further consideration thereof.

Also, a petition of Abraham Houser, and other citizens of Bartholomew county, relative to taxes, &c. have directed me to report the same back to this House, as it is inexpedient to legislate upon that subject, and ask to be discharged from further consideration thereof.

Mr. Sweetser moved to lay the report upon the table;

Which motion was decided in the affirmative.

Mr. Jenckes made the following report:

MR. SPEAKER—

The committee of ways and means, to whom was referred a resolution of the House, to inquire into the expediency of repealing the law approved February 15th, 1839, allowing associate judges three dollars per day, and also to inquire into the expediency of allowing witnesses in the circuit court one dollar per day, have had the same under consideration, and have instructed me to report that it is inexpedient to legislate upon those subjects, and to ask to be discharged from the further consideration of the same.

The report was concurred in, and the committee discharged accordingly.

Mr. Fitch made the following report:

MR. SPEAKER—

The committee on education, to whom was referred the petition of George Bentley, asking certain alterations in the school law, and a resolution of the House, directing them to inquire into the expediency of so changing by law the manner of electing seminary trustees, as to allow less than a majority of voters to elect such trustees, having had them under consideration, have directed me to report that it is inexpedient to effect the alterations in the existing laws required by them, and asked to be discharged from the further consideration of the same.

The report was concurred in, and the committee discharged accordingly.

Mr. Fitch made the following report:

The committee on education, to whom was referred a resolution of the House, instructing them to inquire whether any amendment was necessary to the "act to provide for ascertaining the number of deaf mutes in the State; approved February 13th, 1839, have directed me to report that they conceive no amendment necessary, so far as it relates to the deaf and dumb, but would suggest the propriety and justice of extending its provisions to the blind; and instructing the committee of ways and means to engross the act thus amended upon the revenue bill of this year, as they deem the non-fulfilment of its provisions to have arisen principally from the fact, that the several assessors were ignorant of its existence; a difficulty which will be obviated by connecting it with the revenue bill. They therefore ask the reference of the resolution, together with this report, to the committee of ways and means, with such instructions.

The report of the committee was concurred in, and the resolution referred accordingly.

Mr. Fitch made the following report:

MR. SPEAKER—

The committee on education, to whom was referred the petition of Merrit Hubble and others, asking a more plain construction in certain respects of the laws regulating our common schools, have directed me to report, that although our school laws, need a more plain construction, in many instances, to enable them to be understood, yet they are happy to say, that pointed out in the petition is not one of them; "he who runs may read," and can understand that *our* laws for *common* schools never contemplated the teaching of Dutch, French, Irish, or Pottawattamie within them—nothing but plain English—any thing else would make them rather *uncommon* schools.

They ask, therefore, to be discharged from the further consideration of the petition.

The report was concurred in, and the committee discharged accordingly.

Mr. Warriner made the following report:

MR. SPEAKER—

The committee on education, to whom was referred the petition of Joseph P. Smith and others, in relation to a school section, have had

the same under consideration, and ordered me to report the following bill to wit:

No. 199, a bill to provide for the re-appraisal of a school section in Lake county;

Which was read a first time, and passed to a second reading.

Mr. Morgan made the following report:

MR. SPEAKER—

The committee on roads, to whom was referred two petitions from sundry citizens in the county of Orange, on the subject of appropriating a portion of the three per cent. fund to the erection of three bridges therein prayed for, have had the same under consideration, and have directed me to report the following bill, in accordance with the prayer of the petitioners, to wit:

No. 200, a bill to provide for the erection of two bridges in the county of Orange, and for other purposes;

Which was read a first time, and ordered to a second reading.

Mr. Sweetser, from the committee on corporations, to which was referred

No. 131, a bill to amend an act entitled "an act to incorporate the town of Indianapolis, reported the same back to the House, without amendment, and asked to be discharged from the further consideration thereof.

The committee was discharged; and

The bill ordered to be engrossed for a third reading

Mr. Warriner made the following report:

MR. SPEAKER—

The committee on corporations, to whom was referred the petitions of the inhabitants of Lake county, asking a re-location of the seat of justice in said county, have had the same under consideration, and ordered me to report the following bill, to wit:

No. 201, a bill to re-locate the seat of justice of Lake county.

Which was read a first time, and passed to a second reading.

Mr. Morrison made the following report:

MR. SPEAKER —

The select committee, to whom was referred the petition of Abraham Dennis and others, on the subject of incorporating the Washington Band of Musicians, have had the same under consideration, and have directed me to report the following bill, in accordance with the prayer of the petitioners, to wit:

No. 202, a bill to incorporate the Washington Band of Musicians;
Which was read a first time, and passed to a second reading.

Mr. Gardner made the following report:

MR. SPEAKER—

The select committee to whom was referred a petition of sundry citizens, asking for territory sufficient to form a new county to be taken from the counties of Fountain, Parke and Montgomery; a majority of the committee after examining the subject believe that the county would be too small, and further believe it would reduce the said counties referred to, below four hundred square miles, and have directed me to report inexpedient, and ask to be discharged from any further consideration of the subject.

The report was concurred in and the committee discharged accordingly.

Mr. Everts made the following report:

MR. SPEAKER—

The select committee to whom was referred a joint resolution of the Senate on the subject of the harbor at Michigan City and also a joint memorial and resolution of this House on the same subject, have had the same under consideration, and directed me to report them back to the House with the following amendments, Strike out the preamble to the joint resolution from the Senate, and prefix to said resolution the preamble and joint memorial of the House of Representatives, and recommend its passage.

The report of the committee was concurred in and the bill ordered to be engrossed for a third reading.

Mr. Beckett made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of W. J. Ungles and others in relation to a certain State road, have had the same under consideration, and have directed me to report the following bill, to wit:

No. 203, a bill to relocate a part of the State road leading from Danville to Bellville, in Hendricks county;

Which was read a first and second times, the rule being suspended, and referred to the committee on roads.

Mr. Jenckes offered for adoption the following resolution:

Resolved, That the select committee to which was referred, that part of the Governor's message, relative to the State University, inquire into the expediency of removing said University to Terre-Haute;

Provided, The State be re-imbursed all expenses incident to the removal.

Mr. Henley moved that the resolution be laid upon the table;
Which motion was decided in the affirmative.

On motion of Mr. Rush,

Resolved, That the committee on ways and means be instructed to inquire into the expediency of so amending the act entitled "an act pointing out the mode of levying taxes and fixing the per centum for State purposes, approved February 15th, 1839, that the assessors of the several counties in this State be allowed until the last day of May in each year to complete their assessment rolls, with leave to report by bill or otherwise.

Mr. Fisher moved that the House proceed to the consideration of the resolution offered by him on the 7th instant' on the subject of appropriating the three per cent. fund and other funds of the State, to the benefit of the counties which have heretofore been excluded from appropriations for internal improvement.

Mr. Cogswell moved that said resolution be laid upon the table,
And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Allison, Arnold, Atherton, Baker, Berkshire, Bowles, Buckles, Burke, Butler, Campbell, Carleton of F., Cogswell, Conaway, Cox, Cutter, Eccles, Everts, Farley, Finch, Flint, Herriman, Hull, Hunt of J., Jenckes, Johnson, Judah, Lane, Lancaster, Lanius, Lee, McGormack, McGaughey, Miller, Monroe, Morrison, Nelson of M., O'Neill, Osborn of F., Parker, Perry, Perviance, Porter, Rippey, Robinson of J., Shiveley, Stewart, Sweetser, Thompson, White, Wilson of M., Woodard and Mr. Speaker—52.

Those who voted in the negative were:

Messrs. Albertson, Beckett, Carlton of L., Clark, Coats, Cooper, Dunn, Edmonson, English, Fisher, Fitch, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamer, Hamblen, Henley, Hunt of R., Jamison, Jones, McCoy, Milroy, Montgomery, Moore of O., Moore of V., Morgan, Nelson of B., Osborn of U., Robinson of Ripley, Robinson of Rush, Sands, Southard, Warriner, Wheeler, Wilson of W., Worster and Zenor.—10.

So said resolution was laid upon the table.

Mr. Haddon, on leave granted, presented several petitions of Sullivan county, praying a relocation of the county seat of said county;

Which was referred to a select committee of Messrs. Haddon, Davis, English, Farley, Fitch, Jenckes and Lee.

Mr. Jenckes presented a remonstrance of sundry citizens of Vigo county, on the same subject;

Which was referred to the same committee.

On motion of Mr. Miller,

Resolved, That the committee on the judiciary be instructed to inquire into the constitutionality of an act for the encouragement of education, approved February 2d, 1833, which exempts persons from performing militia duty, by paying one dollar per annum into the seminary fund or to the school commissioners of such county to be for use and benefit of the school fund belonging to the congressional township in which the person paying the same resides: Also to inquire into the expediency of repealing said act, with leave to report by bill or otherwise.

Mr. Cutter moved for adoption the following resolution:

Whereas, The contractors on the public works of this State, have expressed a reluctance to receive their pay in the manner prescribed by an act which lately passed this House, authorizing the issue of Treasury notes, and at the same time as a condition precedent, making it necessary for them to relinquish their contracts, or cease operations thereon until authorized by the future action of this House, and whereas it is the *bona fide* intention of this House, to pay said contractors in the most satisfactory manner, which the exigencies of the State will permit therefore be it

Resolved, That this House will before they adjourn, pass such an act or acts as shall satisfy all to whom this State is indebted, that we are determined to preserve the faith and credit of the State untarnished.

Mr. Stewart moved that the resolution be laid upon the table;

And the ayes and noes being requested thereon by Messrs. Cutter and Allison,

Those who voted in the affirmative were:

Messrs. Albertson, Bowles, Buckles, Campbell, Carlton of L., Clark, Coats, Conaway, Davis, Dunn, Eccles, Edmonson, Fisher, Fitch, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamer, Hamblen, Henley, Hull, Hunt of R., Jamison, Johnson, Jones, Lanius, McCormack, McCoy, Miller, Milroy, Monroe, Montgomery, Moore of O., Moore of V., Morgan, Morrison, Nelson of B., Nelson of M., Osborn of U., Perry, Perviance, Porter, Rippey, Robinson of Ripley, Robinson of Rush, Sands, Southard, Sweetser, Warriner, Wheeler, White, Wilson of W., Worster, Zenor and Mr. Speaker—56.

Those who voted in the negative were:

Messrs. Allison, Arnold, Atherton, Baker, Beckett, Berkshire, Burke, Butler, Carleton of F., Cogswell, Cooper, Cox, Cutter, Everts, Farley, Finch, Flint, Herriman, Hunt of J., Jenckes, Lane, Lancaster, Lee, McGaughey, O'Neill, Osborn of F., Parker, Robinson of J., Rush, Shiveley, Spann, Thompson, Wilson of M. and Woodard—23.

So said resolution was laid upon the table.

On motion of Mr. Eccles,

Whereas, Sundry reports have been made by the board of internal improvement, through their officers, to this House, in answer to sundry resolutions; and *whereas*, no report heretofore furnished has specified the different items of the expenditures on the different works, only the gross sums; therefore,

Resolved, That the committee heretofore appointed on that subject by this House, do respectfully call upon the said board of internal improvement, or their secretary, for liberty to examine their books; 1st, to ascertain what amount of funds have been received for internal improvements; how much has been paid out by said board for estimates for labor done on said works; what for superintendence; what for contingent expenses; what to the different corps of officers employed on said works, including all the different classes and corps engaged, and report the result of their examination to the House.

Mr. Eccles moved for adoption the following preamble and resolution:

Whereas, The President of the State Bank of Indiana has furnished this House with a report, in relation to his doings with the Morris Canal and Banking Company, transferring the State bonds of said State to them, and the securities by him taken from them; and *whereas*, the said President of the said State Bank has in said report, informed this House that he has other documents in his possession ready for inspection; therefore,

Resolved, That a committee of _____ be appointed by this House, to wait on the said President of the State Bank, and respectfully request to have the liberty of examining the said papers and documents referred to by him in his said report, or any other information touching the said transaction, in his possession.

Mr. Sweetser moved that said preamble and resolution be laid upon the table;

Which motion was decided in the affirmative.

Mr. Perry introduced

No. 204, a bill to incorporate the Lawrenceburgh and Napoleon turnpike company;

Which was read a first and second times, the rule being suspended, and referred to the committee on corporations.

Mr. M'Gaughey introduced

No. 205, a bill to postpone the February term of the probate court of Putnam county, in the year 1840;

Which was read a first time and passed to a second reading.

Mr. Eccles introduced

No. 206, a bill to authorize boards doing county business to appoint a jailor in each county;

Which was read a first and second times, the rule being suspended, and referred to the committee on the judiciary.

Mr. Hunt of J. introduced

No. 207, a bill to incorporate the Deerfield and Marion turnpike company;

Which was read a first and second times, the rule being suspended, and committed to the committee on corporations.

Mr. Fitch moved that at two o'clock, P. M. the House proceed to the consideration of bill No. 45, to amend an act entitled "an act subjecting real and personal estate to execution;"

Which motion was decided in the affirmative.

On motion of Mr. Sweetser,

The House proceeded to the consideration of bills on their third reading.

No. 19, a bill to repeal so much of an act entitled "an act providing for a more uniform mode of doing township business in the several counties therein named," as relates to the counties of Clinton, Delaware and Hancock;

No. 29, a bill to amend an act entitled "an act to organize probate courts, and defining the powers and duties of executors, administrators and guardians;"

No. 44, a bill to incorporate the Point Commerce Trading and Manufacturing Company;

No. 51, a bill authorizing the Vanderburgh Lyceum to sell or donate, transfer and convey real estate;

No. 64, a bill granting relief in a certain case therein named;

No. 70, a bill to amend an act entitled "an act incorporating a seminary in the county of Gibson, and for other purposes, approved January 21, 1820, so far as relates to the county seminary of the county of Orange;

No. 77, a bill to dissolve the bands of matrimony between Charles Fullerton and Eleanor Fullerton;

No. 82, a bill to amend an act to incorporate the Lawrenceburgh Bridge Company, approved January 24, 1831;

No. 84, a bill to incorporate the city of Richmond in Wayne county, Indiana;

No. 86, a bill to relocate the seat of justice in the county of La Grange;

No. 87, a bill to rebuild the bridge across Laughrey creek in Ripley county;

No. 88, a bill to enlarge the powers of the probate courts in Marion county, in a certain case therein named;

No. 89, a bill to vacate the town of Voltonville;

No. 90, a bill to change the name of the town of Wilmington, in Rush county;

No. 91, a bill to legalize the acts of the trustees of the town of Rockport, in Spencer county, and for other purposes;

No. 94, a bill declaring certain names therein misprints;

No. 95, a bill to regulate the jurisdiction of justices of the peace in Brown county;

No. 97, a bill to incorporate the town of Noblesville, in the county of Hamilton, Indiana;

No. 98, a bill to repeal an act entitled "an act to vacate a State road from Corydon, in Harrison county, to the Ohio river, opposite the mouth of Salt river;

No. 99, a bill concerning the tax imposed upon the land of residents in the county of Pike, for the purpose of opening and repairing roads and highways;

No. 100, a bill to locate a State road in the counties of Tippecanoe and Jasper;

No. 101, a bill to establish a State road therein named;

No. 102, a bill to authorize the election of an additional justice of the peace in Wayne township in Marion county;

No. 103, a bill to locate a State road in Green county;

No. 107, a bill to authorize Stephen Barns to build a mill dam across White river;

No. 109, a bill to incorporate the Governor's Guard's of Gentryville, in Spencer county;

No. 110, a bill to legalize the proceedings of road commissioners of De Kalb county;

No. 113, a bill to repeal an act entitled "an act to incorporate the Greencastle Savings Institution and Manufacturing and Trading Company, approved February 16, 1839;"

No. 116, a joint resolution in relation to the coining of gold dollars, &c.;

No. 117, a bill concerning a school section in Tippecanoe county;

No. 118, a bill to incorporate the Anderson River Bridge Company;

No. 121, a bill to amend an act entitled "an act to incorporate the Indiana Mutual Fire Insurance Company;"

No. 122, a bill to legalize the proceedings of the board doing county business in Huntington county;

No. 124, a bill to provide for the election of a justice of the peace and constable in the town of Canton in Washington county.

No. 126, a bill to provide for the election of a justice of the peace in the town of Macksville, in Vigo county;

No. 129, a bill to authorize John T. Wheeler, a minor, to sell certain real estate;

No. 136, a bill for the relief of William Kempton;

No. 137, a joint resolution relative to the Secretary of State's office;

No. 138, a bill to provide for the election of a justice of the peace in the town of Bainbridge in Putnam county;

No. 140, a bill authorizing Daniel M. Ingersoll and James Jessop to build a dam across Eel river in Green county;

No. 141, a bill to incorporate the city of Fort Wayne;

No. 143, a joint resolution relative to the two White rivers in Indiana;

No. 144, a joint resolution relative to a grant of lands for an asylum for deaf mutes and blind persons;

No. 145, a bill relative to the three per cent. fund in Spencer county;

No. 155, a bill to incorporate the Walnut Ridge Cemetry;

No. 156, a bill to incorporate the Fort Harrison Guards;

Were severally read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 83, a bill concerning the incorporation of the town of Brookville, and for other purposes, was read a third time, and

On motion of Mr. Osborn of F.,

Referred to a select committee.

Ordered, That Messrs. Osborn of F., Long and Lancaster, be said committee.

No. 96, a bill to incorporate the Greensburgh and Vernon turnpike company, was read a third time; when

Mr. Jamison moved to recommit the bill to a select committee, with instructions to strike out so much of the last section^{as} subjects the goods and chattels, lands and tenements of any of the stockholders of said company to execution, upon judgments obtained against said company;

Which motion was decided in the affirmative.

Messrs. Jamison, Spann and Robinson of Rush, were appointed said committee.

Mr. Jamison, on leave granted, from the select committee just appointed, reported the bill back to the House, amended according to the instructions.

On the question of concurring in the report, it was decided in the negative.

Mr. Jamison now moved that the bill be indefinitely postponed; when,

Mr. Fisher moved that the bill be laid upon the table;

Which motion was decided in the affirmative.

No. 105, a bill to amend an act entitled "an act to establish certain State roads therein named," was read a third time, and

On motion of Mr. Wilson of M.,

Referred to the committee on roads.

No. 112, a bill to provide for taking the enumeration of the white male inhabitants above the age of twenty-one years in this State, was read a third time; and

On motion of Mr. Long,

Laid upon the table.

On motion,

The House adjourned until two o'clock. P. M.

Two o'clock, P. M.

The House met pursuant to adjournment.

Mr. Arnold moved to reconsider the vote taken on yesterday, on the passage of the bill for the formation of the county of Van Buren;
And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Arnold, Atherton, Baker, Berkshire, Bowles, Buckles, Clark, Davis, Eccles, Edmonson, English, Fisher, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamblen, Henley, Herriman, Hull, Hunt of J., Lane, Lanius, Long, McCormack, Monroe, Moore of V., Morgan, Morrison, Nelson of M., Osborn of F., Osborn of U. Perry, Perviance, Porter, Rippey, Robinson of Rush, Sands, Southard, Spann, Stewart, Thompson, Warriner, Wheeler, White, Worster, and Mr. Speaker—49.

Those who voted in the negative were:

Messrs. Allison, Beckett, Bell, Burke, Butler, Campbell, Carleton of F., Carlton of L., Cogswell, Cox, Dunn, Everts, Farley, Finch, Fitch, Flint, Hamer, Hunt of R., Jackson, Jamison, Jenckes, Jones, Judah, Lancaster, M'Gaughey, Montgomery, O'Neill, Parker, Robinson of J., Robinson of Ripley, Rush, Shiveley, Sweetser, Wilson of M., Woodard and Zenor—36.

So said vote was reconsidered.

The question again recurred on the passage of the bill,
And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Arnold, Atherton, Baker, Berkshire, Bowles, Buckles, Clark, Cogswell, Davis, Edmonson, English, Fisher, Foster, Frisbie, Garrigus, Gardner, Hamblen, Henley, Herriman, Hull, Hunt of J., Lane, Lanius, Long, McCormack, Monroe, Morrison, Nelson of M., Osborn of F., Osborn of U., Perry, Perviance, Porter, Rippey, Robinson of Rush, Sands, Southard, Stewart, Warriner, Wheeler, White and Worster—43.

Those who voted in the negative were:

Messrs. Allison, Beckett, Bell, Burke, Butler, Campbell, Carleton of F., Carlton of L., Coats, Cox, Dunn, Eccles, Everts, Farley, Finch, Fitch, Flint, Haddon, Hamer, Hunt of R., Jackson, Jamison, Jenckes,

Jones, Judah, Lancaster, M'Gaughey, Milroy, Morgan, O'Neill, Parker, Robinson of J., Robinson of R., Rush, Shiveley, Spann, Sweetser, Thompson, Wilson of M., Woodard and Zenor—41.

So said bill passed.

Ordered, That Mr. Long inform the Senate thereof.

The House now, again according to order, resolved itself into a committee of the whole on bill No. 45, to amend an act subjecting real and personal estate to execution, approved February 4th, 1831, Mr. Bowles in the chair, and after some time spent therein the committee rose and the chairman reported the bill to the House with several amendments; which were read; when

Mr. Cogswell moved that the bill and amendments be indefinitely postponed thereon,

And the ayes and noes being requested thereon.

Those who voted in the affirmative were:

Messrs. Bell, Butler, Cogswell, Cox, Edmonson, Finch, Flint, Frisbie, Haddon, Jenckes, Johnson, Lancaster, Monroe, Robinson of Ripley, Sands, and Southard,—16.

Those who voted in the negative were:

Messrs. Albertson, Atherton, Baker, Beckett, Berkshire, Bowles, Buckles, Burke, Campbell, Carelton of F., Carlton of L., Clark, Coats, Conaway, Cooper, Dunn, Eccles, English, Everts, Farley, Fisher, Fitch, Foster, Garrigus, Gardner, Hamer, Hamblen, Henley, Herriman, Hull, Hunt of J., Hunt of R., Jackson, Jamison, Lane, Lanius, Lee, Long, McCormack, McCoy, McGauhey, Milroy, Montgomery, Moore of O., Moore of V., Morgan, Morrison, Nelson of B., Nelson of M., O'Neal, Osborn of F., Osborn of U., Parker, Perry, Perviance, Rippey, Robinson of J., Robinson of Rush, Rush, Shiveley, Spann, Stewart, Sweetser, Thompson, Warriner, Wheeler, White, Wilson of M., Woodard, Worster, Zenor and Mr. Speaker—71.

So said bill was not indefinitely postponed.

The second amendment made by the committee, was in the words following, to wit:

"The provisions of this act shall extend only to execution issued upon judgments and decrees already rendered, or to be rendered within the next six months after this act is in force.

SEC. Upon all judgments rendered after six months, there shall be a stay of execution of double the time now allowed by law."

On the question, shall said amendment be concurred in by the House?

The ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Atherton, Baker, Beckett, Berkshire, Bowles, Burke, Butler, Campbell, Clark, Coats, Cogswell, Conaway, Cooper, Davis, Dunn, Eccles, Everts, Farley, Fisher, Frisbie, Fitch, Hamer, Henley, Herriman, Hull, Hunt of R., - Jamison, Johnson, Lancaster, Long, McCoy, McGaughey, Miller, Montgomery, Moore of O., Morgan, Osborn of F., Osborn of U., Parker, Rippey, Robinson of Ripley, Robinson of Rush, Shively, Spann, Stewart, Sweetser, Warriner, Wheeler, Woodard, Worster, Zenor and Mr. Speaker.—55.

Those who voted in the negative were:

Messrs. Bell, Buckles, Carleton of F., Carlton of L., Cox, English, Finch, Flint, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamblen, Hunt of J., Jackson, Jenckes, Lane, Lanius, Lee, McCormack, Milroy, Monroe, Moore of V., Nelson of B., Nelson of M., O'Neill, Perry, Robinson of J., Sands, Southard, Thompson, White, and Wilson of M.,—34.

So said amendment was adopted.

The other amendments made in committee of the whole were also adopted.

The bill was now read a third time; when

Mr. Parker moved to recommit the bill to a select committee of three with instructions to revise and arrange the same—changing its phraseology, when the same may be required to make the same clear, but preserving it entire in substance;

Which motion was decided in the affirmative.

Ordered, That Messrs. Parker, Lane and Campbell be said committee.

Mr. Morrison made the following report:

MR. SPEAKER—

The joint committee on enrolled bills report that they have this day presented to the Governor for his approval and signature, the following bills, which originated in the Senate, viz:

No. 21, an act for the relief of A. W. Noe.

No. 97, an act to amend an act entitled "an act pointing out the mode of levying taxes and fixing the per centum for State purposes."

Mr. Morrison made the following report:

MR. SPEAKER—

The committee on enrolled bills report that they have compared the engrossed with the enrolled bills, and joint resolution which ori-

ginated in the House, of the following titles, to wit:

No. 42, an act to amend an act entitled "an act for fixing the times of holding courts in the fourth judicial circuit."

No. 80, an act regulating the jurisdiction of justices of the peace in Jackson county.

No. 67, a joint resolution in relation to Edward M. Beckwith,
And the following bills of the Senate, viz:

No. 97, an act to amend an act pointing out the mode of levying taxes and fixing the per centum for state purposes.

No. 21, an act for the relief of A. W. Noe, and find them truly enrolled.

Whereupon,

The Speaker signed the same.

Ordered, That the Clerk inform the Senate thereof.

On motion,

The House adjourned until to-morrow morning at nine o'clock.

SATURDAY MORNING JANUARY 25, 1840.

The House met pursuant to adjournment.

Mr. Bowles moved to suspend the previous order of business, and take up

No. 186, a bill to amend an act, entitled "An act dividing the State into judicial circuits, and fixing the time of holding the courts therein; and for other purposes;"

Which motion was decided in the affirmative.

The bill was read a second and third times, and passed—the rule being suspended.

Ordered, That the clerk inform the Senate thereof.

Mr. Everts, on leave granted, offered the following resolution, which was adopted, to wit:

Resolved, That the door keeper be instructed to procure two quart pans, of tin or iron, for each of the stoves of this House, and keep them supplied with water and dripping cloths, whenever it is cold enough to require fire in them.

Mr. Judah presented a remonstrance from sundry citizens of Sullivan county, against the removal of the seat of justice of said county;

Which was referred to the same select committee to which a petition on the same subject was heretofore referred.

Mr. Judah moved that Messrs. Cox and McGaughey be added to the said committee;

Which motion was decided in the negative.

Mr. Parker, on leave granted, from the select committee on that subject, reported back to the House,

No. 45, a bill to amend an act, entitled "an act subjecting real and personal estate to execution; approved February 4th, 1831," amended according to the instructions given by the House to the committee;

Mr. Jones moved that the bill be laid upon the table.

Which report was concurred in by the House.

And the ayes and noes being requested thereon by Messrs. Jones and Southard,

Those who voted in the affirmative were:

Messrs. Albertson, Allison, Arnold, Beckett, Berkshire, Butler, Clark, Cogswell, Cooper, Cox, Davis, Edmonson, Everts, Finch, Flint, Frisbie, Garrigus, Gardner, Haddon, Hamblen, Jackson, Jamison, Jenkes, Johnson, Jones, Lancaster, Miller, Montgomery, Moore of V., Morrison, Osborn of U., Robinson of J., Robinson of Ripley, Robinson of Rush, Rush, Sands, Southard, Worster, and Zenor—39.

Those who voted in the negative were:

Messrs. Atherton, Baker, Bowles, Buckles, Burke, Campbell, Carlton of F., Carlton of L., Coats, Conaway, Dunn, Eccles, Fisher, Fitch, Foster, Hamer, Henley, Herriman, Hull, Hunt of J., Hunt of R., Judah, Lane, Lee, McCormack, McCoy, McGaughey, Milroy, Moore of O., Morgan, Nelson of B., Nelson of M., O'Neill, Osborn of F., Parker, Perry, Perviance, Porter, Rippey, Shiveley, Spann, Stewart, Sweetser, Thompson, Warriner, Wheeler, White, Wilson of M., Wilson of W., Woodard, and Mr. Speaker—51.

So said bill was not laid upon the table.

Mr. Bowles moved to strike out of the 8th section, the words "six months," and insert "nine months"—the limitation of the act as to appraisement of property;

Which motion was decided in the negative.

Mr. Fisher moved to amend the bill, by adding the following as an additional section, to wit:

"SEC. *Be it further enacted*, That whenever the sheriff shall deem the real estate of an execution defendant, adequate security for the judgment, no additional security shall be required;"

Which motion was decided in the negative.

On the question, Shall said bill be engrossed for a third reading?

The ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Arnold, Atherton, Baker, Beckett, Berkshire, Bowles, Buckles, Burke, Campbell, Carleton of F., Carlton of L., Clark, Coats, Conaway, Davis, Dunn, Eccles, Everts, Fisher, Fitch, Foster, Garrigus, Hamer, Hamblen, Herriman, Hull, Hunt of J., Hunt of R., Ju-

dah, Lane, Lee, McCormack, McCoy, McGaughey, Miller, Milroy, Moore of O., Nelson of B., Nelson of M., O'Neill, Osborn of F., Parker, Perry, Perviance, Porter, Rippey, Shiveley, Spann, Stewart, Sweetser, Thompson, Warriner, Wheeler, White, Wilson of M., Wilson of W., and Woodard—54.

Those who voted in the negative were:

Messrs. Alberston, Allison, Butler, Cogswell, Cooper, Cox, Edmonson, Finch, Flint, Frisbie, Gardner, Haddon, Henley, Jackson, Jamison, Jenckes, Johnson, Jones, Lancaster, Monroe, Morgan, Morrison, Osborn of U., Robinson of J., Robinson of Ripley, Robinson of Rush, Rush, Sands, Southard, Worster, Zenor, and Mr. Speaker—32.

So said bill was ordered to be engrossed for a third reading.

Mr. Sweetser moved to suspend the previous order of business, and take up that part of a message from the Senate, containing bill of the House No. 12, to change the time of holding the courts in the 11th judicial circuit. Said bill passed the Senate, with an amendment, striking it out from the enacting clause and inserting a substitute;

Which motion was decided in the affirmative.

Mr. Jamison moved to lay the bill and that part of the message from the Senate upon the table;

Which motion was decided in the affirmative.

Mr. Rush presented the petition of Orlando Hurd, and others of St. Joseph county, in reference to the Erie and Michigan canal, and its further prosecution;

Which was referred to a select committee of Messrs. Warriner, Everts, Rush, Rippey, Herriman, Thomson, Wilson of M., Wheeler, and Wilson of White.

Mr. Allison presented the petition of Joseph M'Daniel and others, praying for the passage of a law tolerating horse-racing and shooting at a mark;

Which was referred to the committee on the judiciary.

Mr. Milroy presented the petition of J. M'Cully and others, on the subject of the surplus revenue,

Which was referred to the committee on education.

Mr. Warriner presented the petition of Abisha Taylor and others, citizens of the counties of Porter and Lake, praying for the location of a certain State road therein named;

Which was referred to the committee on roads.

Mr. Moore of O. presented the remonstrance of Rolando D. Gillespie and others, against the repeal of the one hundred and third section of the act regulating the jurisdiction of justices of the peace;

Which was laid upon the table.

Mr. Perviance presented the petition of Isaac Spaulding and others, of Blackford county, on the subject of the three per cent. fund;

Which was referred to the committee of ways and means.

Mr. Carlton of L. presented the petition of F. R. Nugent and oth-

ers, of Lawrence county, praying for the change of the name of a town therein named;

Which was referred to a select committee of Messrs. Carlton of L., Monroe and Hamer.

Mr. Osborn of F. presented the petition of John Adams and others, in relation to the corporation of Brookville;

Which was referred to the select committee heretofore appointed on that subject.

Mr. Osborn of F., also presented a remonstrance of sundry citizens of Brookville on the same subject;

Which was referred to the same committee.

Mr. Herriman presented the petition of Westley White and others of Noble county, on the subject of the Erie and Michigan canal;

Which was referred to the same select committee heretofore appointed on that subject.

Mr. Herriman presented the petition of James Cook and others, of Elkhart county on the same subject;

Which was referred to the same committee.

Mr. Henley moved to change the reference of a petition for a divorce, from the judiciary to a select committee;

Which motion was decided in the affirmative.

Messrs. Henley, English and Cox were appointed said county.

Mr. Henley presented the petition of Josiah Wood and others, praying that a law may be passed, prohibiting the licensing taverns and groceries, and making it a penal offence to vend spiritous liquors in less quantity than ——; which,

On motion,

Was laid upon the table.

Mr. Robinson of Ripley made the following report:

MR. SPEAKER—

The committee on elections to whom was referred the certificates of the members of this House have examined the same, and have directed me to report the following gentlemen duly elected, to wit:

From the county of Dearborn—Amos Lane, William Lanius, William Conaway and William Perry.

Vermillion—Joseph Moore and John Gardner.

Fountain—James P. Carleton and Joseph McCormack.

Wayne—William Baker, Morris Lancaster, Caleb B. Jackson and Lewis Burke.

Rush—Jesse Morgan, Thomas Worster and Osmyn Robinson.

Parke—Jephtha Garrigus and Robert Clark.

Tippecanoe—James White and Wm. R. Porter.

Henry—Robert M. Cooper and Ralph Berkshire.

Fayette—Mathew R. Hull and Samuel W. Parker.

Union—Wm. H. Bennett and James Osborn.

Marion—Phillip Sweetser and James Johnson.

Shelby—Balis Coats and Wm. M. McCoy.

Harrison—John Zenor and Nathaniel Albertson.

Lawrence—Hugh Hamer and Robert M. Carlton.

Franklin—Elisha Long and Redin Osborn.

Jefferson—George Robinson, Charles Woodard and John Hunt, jr.

Clark—James G. Read and Thomas J. Henley.

Washington—Henry C. Monroe and John I. Morrison.

Bartholomew and Brown—Benjamin F. Arnold and Eliakim Hamblen.

Owen—Geo. W. Moore.

Green—John F. Allison.

Clay—John Osborn.

Warren—William G. Montgomery.

Clinton—Samuel Dunn.

Carroll—Henry B. Milroy.

Monroe—Joseph Campbell.

Johnson—Fabius M. Finch.

Morgan—John Eccles.

Hendricks—James F. Beckett.

Hancock—John Foster.

Boone—John H. Nelson.

Madison—Willis G. Atherton.

Hamilton—Francis B. Cogswell.

Allen—Lewis G. Thompson.

Elkhart—Matthew Rippey.

Laporte—Sylvanus Everts.

Decatur—Martin Jamison.

Ripley—Joseph Robinson.

Switzerland—Elwood Fisher.

Orangé—Wm. A. Bowles.

Posey—M. R. Southard.

Vanderburgh—Wm. W. Butler.

Warrick—Alpha Frisbie.

Gibson—Smith Miller.

Cass—Graham N. Fitch.

Floyd—Isaac Stewart.

Jackson—William Shields.

Scott—Elisha G. English.

Jennings—John L. Spann.

Knox—Samuel Judah and Jonathan P. Cox.

Daviess and Martin—John Flint.

Vigo—George W. Cutter and Joseph Jenckes.

Sullivan—Wm. R. Haddon and Justus Davis.

Putnam—E. W. McGaughey and Joseph Farley.

Montgomery—Abijah O'Neall, John Nelson and Henry Lee.

Crawford—Samuel Sands.

Perry and Spencer—Wm. Jones.

Pike—Elijah Bell.

Dubois—Benjamin Edmonson.

Grant and Wabash—James Shiveley.

Noble, Lagrange, Steuben and De Kalb—David B. Herriman.

Kosciusko, Marshall and Stark—Amzi L. Wheeler.

White, Jasper and Pulaski—John B. Wilson.

Huntington, Adams, Wells and Jay—Lewis W. Perviance.

Miami and Fulton—Alexander Wilson.

St. Joseph—Leonard Rush.

Delaware—Abraham Buckles.

Randolph—Miles Hunt.

Which report was concurred in by the House.

Mr. Robinson of Ripley made the following report:

MR. SPEAKER—

The committee on elections to whom was referred a resolution of this House, instructing them to inquire into the expediency of so amending the 35th section of the law, regulating elections general, approved February 17th, 1838, so as to make the individual contesting an election liable for the cost that may accrue on such contested elections where he may fail in such contest, have, according to order, had the same under consideration, and have directed me to report, that it is inexpedient to legislate on that subject, at this time, and ask to be discharged from the further consideration thereof.

The report was concurred in and the committee discharged accordingly.

Mr. Jenckes made the following report:

MR. SPEAKER—

The committee of ways and means instructed by a resolution of this House, No. 1, to inquire what amendment, if any, was necessary to the law, providing for the assessment of the State and county revenue, so as to provide that when the Board doing county business in any county in the State, shall neglect to fix the amount of any license, the county Treasurer shall be authorized to receive the minimum amount fixed by law, have examined the subject, and believing legislation upon it unnecessary, ask to be discharged from the further consideration thereof.

The report was concurred in and the committee discharged accordingly.

Mr. Parker made the following report:

MR. SPEAKER—

The committee on the judiciary to whom was referred sundry re-

solutions of this House, in reference to crime and punishment, have had the same under consideration, and have directed me to report the following bill, to wit:

No. 208, a bill to amend an act relative to crime and punishment, approved February 10th, 1831;

Which was read a first time and passed to a second reading.

Mr. Spann made the following report:

MR. SPEAKER—

The committee on military affairs to whom several resolutions of this House, and also several petitions of the citizens of Indiana was referred, have according to order had the same under consideration, and have directed me as the chairman of said committee to report the following bill on that subject, to wit:

No. 209, a bill for the better regulation of the militia of the State of Indiana;

Which was read twice, the rule being suspended, and

On motion of Mr. Allison,

One hundred copies were ordered to be printed.

Mr. Morgan made the following report:

MR. SPEAKER—

The committee on roads to whom was referred the petition of Solomon Peterson and others, for a change in a certain State road therein named, and the remonstrance of William J. Taylor and others, against the change prayed for, have had the same under consideration, and directed me to report any legislation thereon unnecessary and inexpedient, and ask to be discharged from the further consideration of the same.

The report was concurred in and the committee discharged accordingly.

Mr. Stewart made the following report:

MR. SPEAKER—

The select committee to whom was referred a bill to amend an act entitled "an act to regulate the mode of doing county business in the several counties in this State, approved February 17th, 1838, have had the same under consideration, and have agreed to substitute the following bill, to wit:

No. 210, a bill changing the time of holding commissioners courts in the county of Floyd;

The bill was ordered to be engrossed for a third reading.

Mr. Albertson made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of James M. Keethley and others, praying for an additional justice of the peace and constable for Morgan township Harrison county, have had the same under consideration, and have directed me to report the following bill, to-wit:

No. 211, a bill to provide for an additional justice of the peace and constable in Morgan township in Harrison county;

Which was read a first time and passed to a second reading.

Mr. Burke made the following report:

The select committee to whom was referred the petition of John D. Morrison, collector of Wayne county for the year of 1838, praying indemnity for damages he sustained, by overpayment of the State revenue; have had the same under consideration, and have directed to make the following report.

The committee find that the collector was over charged on the duplicate of the year 1838 to a large amount; and that before the error was discovered, the tax collected thereon, was paid into the State Treasury; amounting as certified by M. Morris, Auditor of State to \$1,121 80. It further appears by the Auditor's Statement, that the funds of the Treasury were loaned on the first day of March 1839 at ten per cent. interest, and that the return to the collector of the said sum so over paid was not made, until the first of Jan. 1840—and that there accrued in interest during the ten months the fund was so loaned the sum of \$93.50.

The committee find also that the said collector and his securities, have in consequence of the delay in the return of the sum so overpaid, been sued in the Wayne circuit court—and subjected otherwise to considerable expense; amounting in all, exclusive of interest, to at least sixty dollars. Which damage it is believed was not the result of any fault, or omission in discharge of official duty, on the part of the said collector, but arising entirely from the possession of said funds by the State; and therefore justly entitle him to the favorable regard of this House.

In consideration of the foregoing facts as presented in this case, the committee ask leave to report the following bill, to wit:

No. 212, a bill for the relief of John D. Morrison;

Which was read twice, the rule being suspended, and referred to the committee on claims.

Mr. English made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of Robert Ferguson and others, praying the relocation of the county seat of Scott county have had the same under consideration and have instructed me to report the following bill, to wit:

No. 213, a bill to provide for the relocation of the county seat of Scott county;

Which was read a first and second time, the rule being suspended, and ordered to be engrossed for a third reading.

Mr. Jenckes made the following report:

MR. SPEAKER—

At the request of Mr. Osborn of Clay (who is confined to his room by sickness) chairman of the select committee, to which was referred the petition of Geo. Zenor and others, praying that the acts of certain justices of the peace of Clay, may be legalized. I report that the committee have had that subject under their consideration, that they have prepared the following bill, which they present to the House and recommend its passage, to wit:

No. 214, a bill to legalize the proceedings of certain justices of the peace in Clay county and for other purposes;

Which was read a first and second time, the rule being suspended and ordered to be engrossed for a third reading.

Mr. Johnson made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of sundry citizens of the counties of Marion and Hendricks, have had the same under consideration and have directed me to report the following bill, to wit:

No. 215, a bill to relocate a part of a certain State road therein named;

Which was read a first and second time, the rule being suspended, and committed to the committee on roads.

Mr. Purviance made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of sundry citizens of Huntington county, praying for the relocation of the seat of justice of said county; and also the remonstrance on the same subject

have had the same under consideration, and directed me to report the following bill, to wit.

No. 216, a bill to provide for the relocation of the seat of justice of Huntington county?

Which was read a first and second times, the rule being suspended, and ordered to be engrossed for a third reading.

Mr. Robinson of J., made the following report.

MR. SPEAKER—

The committee on the judiciary to which was referred, a bill authorizing Osborn and Chamberlain to sue the State, have had the same under consideration according to order, and have directed me to report the following bill, in lieu thereof and recommend its passage, to wit:

No. 69,^a a bill to authorize Osborn and Chamberlain, &c. to sue the State.

Mr. Fitch moved to amend the preamble, so as to make it apply to the former action of the Legislature;

Which motion was decided in the affirmative.

Mr. Fisher moved to strike out of the bill, after the words "Osborn and Chamberlain," the words "or any person or persons claiming under them."

And the yeas and noes being requested thereon by Messrs. Sweetser and Fisher,

Those who voted in the affirmative were:

Messrs. Arnold, Baker, Berkshire, Bowles, Buckles, Carleton of F., Carlton of L., Clark, Cogswell, Conaway, Davis, Eccles, Edmonson, English, Finch, Fisher, Fitch, Flint, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamer, Hamblen, Henley, Herriman, Hunt of J., Hunt of R., Jenckes, Johnson, Lane, Lee, Long, McCoy, Miller, Milroy, Montgomery, Moore of O., Moore of V., Morgan, Morrison, Nelson of B., Nelson of M., O'Neill, Osborn of F., Osborn of U., Perry, Purviance, Porter, Rippey, Robinson of Rush, Sands, Southard, Stewart, Sweetser, Warriner, White, Wilson of W., Worster and Mr. Speaker—60.

Those who voted in the negative were:

Messrs. Allison, Atherton, Beckett, Burke, Butler, Campbell, Cooper, Cox, Dunn, Everts, Jackson, Jamison, Jones, Lancaster, Robinson of J., Robinson of Ripley, Rush, Thompson, Wilson of M., and Woodard—21.

So said amendment was adopted.

On motion,

The House adjourned until two o'clock P. M.

Two o'clock P. M.

The House met pursuant to adjournment, and resumed the consideration of the bill authorizing Osborn and Chamberlain to sue the State.

On the question, shall said bill be engrossed for a third reading?

The ayes and noes being requested thereon by Messrs. Cox and Jones,

Those who voted in the affirmative were:

Messrs. Atherton, Baker, Beckett, Bell, Berkshire, Buckles, Burke, Campbell, Carleton of F., Cogswell, Cooper, Cox, Dunn, Everts, Fisher, Flint, Foster, Haddon, Hull, Hunt of J., Hunt of R., Jackson, Jamison, Jenckes, Johnson, Jones, Judah, Lancaster, McCoy, McGaughey, Milroy, Montgomery, Morgan, Nelson of M., O'Neal, Osborn of F., Parker, Porter, Robinson of J., Robinson of Ripley, Rush, Spann, Sweetser, Thompson, Wilson of M. and Woodard—45.

Those who voted in the negative were:

Messrs. Albertson, Arnold, Bowles, Butler, Carlton of L., Clark, Conaway, Davis, Eccles, Edmonson, English, Frisbie, Garrigus, Gardner, Hamblen, Henley, Herriman, Lane, Lee, Long, Miller, Moore of O., Moore of V., Morrison, Nelson of B., Osborn of U., Perry, Purviance, Rippey, Robinson of Rush, Sands, Shively, Stewart, Warriner, Wheeler, White, Worster, and Mr. Speaker—39.

So said bill was ordered to be engrossed for a third reading.

Mr. Hull made the following report:

MR. SPEAKER—

The select committee to whom was referred a resolution enquiring into the expediency of extending the jurisdiction of justices of the peace in civil cases &c., have had the same under consideration, and have directed me to report the following bill, to wit:

No. 217, a bill to amend an act entitled "an act regulating the jurisdiction and duties of justices of the peace;

Which was read a first time and passed to a second reading.

Mr. Robinson of J., according to previous notice, given on yesterday, introduced the following resolution;

Which was adopted, to wit:

Resolved, That the following be made one of the standing rules of the House: "The orders of the day shall be taken up each day at two o'clock P. M., unless otherwise ordered by a majority of two thirds of the members present."

Mr. Eccles moved to suspend the previous order of business and take up

No. 119, a bill of the House, to fix the time of holding the courts in the fifth judicial circuit;

Which motion was decided in the affirmative.

Mr. Eccles then moved to strike out the bill from the enacting clause and insert a substitute;

Which motion was decided in the affirmative.

The bill was then read a third time and passed,

Ordered, That the clerk inform the Senate thereof.

Mr. Fitch moved to take from the table, the resolution from the Senate on the subject of the Bloomington State University;

Which motion was decided in the affirmative.

Mr. Cutter moved to refer the resolution to the select committee heretofore appointed on that subject;

And the ayes and noes being requested thereon by Messrs. Robinson of J. and Cutter,

Those who voted in the affirmative were:

Messrs. Butler, Cutter, Jones, Judah, Rush and Wheeler—6.

Those who voted in the negative were:

Messrs. Albertson, Arnold, Atherton, Baker, Beckett, Bell, Berkshire, Bowles, Buckles, Burke, Campbell, Carleton of F., Carlton of L., Clark, Cogswell, Conaway, Cooper, Cox, Dunn, Eccles, Edmonson, Everts, Fisher, Fitch, Flint, Foster, Garrigus, Gardner, Haddon, Hamblen, Herriman, Hull, Hunt of J., Hunt of R., Jackson, Jamison, Jenckes, Johnson, Lane, Lee, Long, McCoy, McGaughey, Miller, Milroy, Montgomery, Moore of O., Morgan, Nelson of B., Nelson of M., O'Neill, Osborn of F., Osborn of U., Parker, Perry, Perviance, Porter, Rippey, Robinson of J., Robinson of Ripley, Robinson of Rush, Sands, Shiveley, Southard, Stewart, Sweetser, Thompson, Warriner, White, Wilson of M., Woodard, Worster and Mr. Speaker—72.

So said resolution was not referred to said select committee.

Mr. Thompson moved to amend by adding the following:

"It shall be the duty of said committee to enquire into the expediency of attaching a professor of agriculture to said University;"

Which motion was decided in the affirmative.

Mr. Cutter moved to lay the resolution upon the table,

And the ayes and noes being requested thereon,

Those who voted in the affirmative were

Messrs. Albertson, Arnold, Berkshire, Bowles, Carleton of F., Conaway, Cutter, Eccles, Everts, Flint, Frisbie, Garrigus, Jenckes, Johnson, Jones, Lancaster, McCoy, Milroy, Moore of O., O'Neill, Robinson of Rush, Rush, Shiveley, Southard, Warriner, Wheeler, White and Mr. Speaker—27.

Those who voted in the negative were:

Messrs. Artherton, Baker, Beckett, Bell, Bowles, Buckles, Burke, Butler, Campbell, Carlton of L., Clark, Cogswell, Cooper, Cox, Dunn, Edmonson, Fisher, Fitch, Foster, Gardner, Haddon, Hamer, Hamblen, Herriman, Hull, Hunt of J., Hunt of R., Jackson, Jamison, Lane, Lee, M'Gaughey, Miller, Montgomery, Moore of V., Morgan, Nelson of B., Nelson of M., Osborn of F., Osborn of U., Parker, Perry, Purviance, Porter, Rippey, Robinson of J., Robinson of Ripley, Sands, Spann, Stewart, Thompson, Wilson of M., Woodard and Worster—54.

So said resolution was not laid upon the table.

Mr. Campbell moved to amend the resolution of the Senate as follows:

“Insert after the word ‘repair,’ these words: ‘immediately after the adjournment of the Legislature’—the time which the committee shall proceed to Bloomington; also, to add at the end of the resolution, these words:

“And that they cause the same (meaning their report,) to be published in the Indiana Journal and Democrat, and also in the Bloomington Post:”

Which motion was decided in the negative.

“On the question, Shall the resolution be concurred in by the House?

The ayes and noes being requested thereon by Messrs. Cutter and ———,

Those who voted in the affirmative were:

Messrs. Albertson, Arnold, Atherton, Baker, Beckett, Bell, Bowles, Buckles, Burke, Butler, Campbell, Carleton of F., Carlton of L., Clark, Cogswell, Cooper, Cox, Davis, Dunn, Eccles, Edmonson, English, Everts, Fisher, Fitch, Flint, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamer, Hamblen, Henley, Hull, Hunt of J., Hunt of R., Jackson, Jamison, Jenckes, Johnson, Lane, Lee, McCormack, McCoy, M'Gaughey, Miller, Milroy, Monroe, Montgomery, Moore of V., Morgan, Morrison, Nelson of B., Nelson of M., O'Neill, Osborn of F., Osborn of U., Parker, Perry, Purviance, Porter, Rippey, Robinson of J., Robinson of Ripley, Robinson of Rush, Sands, Shiveley, Spann, Stewart, Sweetser, Thompson, Warriner, Wilson of M., Worster and Mr. Speaker—76.

Those who voted in the negative were:

Messrs. Berkshire, Cutter, Moore of O., Southard and White—5.

So said resolution was concurred in by the House.

Mr. Herriman introduced

No. 218, a bill to authorize the election of an additional justice of the peace in the township of Orange, Noble county.

Mr. Nelson of B. introduced

No. 220, a bill making allowances to supervisors for extra service in Boone county;

Which were severally read a first time and passed to a second reading.

Mr. Nelson of B. introduced

No. 219, a bill to establish a certain road therein named;

Which was read a first and second times, the rule being suspended, and committed to the committee on roads.

The House now proceeded to the consideration of the orders of the day.

Engrossed bills of the Senate,

No. 8, a bill to provide for the support of the indigent blind in this State;

No. 11, a bill for the relief of the heirs of Martin Berg;

No. 39, a bill for the incorporation of county libraries;

No. 70, a bill relating to the times of holding the circuit courts in the counties of La Porte, Porter and Lake, in the ninth judicial circuit;

Were severally read a second time, and passed to a third reading.

Bills of the Senate,

No. 7, a bill amendatory to an act relative to practice in circuit courts, approved February 18, 1839,

Was read a second time and committed to the committee on the judiciary.

No. 42, a bill to incorporate the Orange Guards;

No. 46, a bill to incorporate the Bartholomew county Silk Company,

Were severally read a second time and committed to the committee on corporations.

No. 69, a bill to authorize the sale of certain public ground in the town of St. Omer in Decatur county, and for other purposes, was read a second time; and

On motion of Mr. Jamison,

Laid upon the table.

Mr. Robinson of Ripley, moved to suspend the previous order of business and take up bill of the House

No. 175, to locate a State road from Versailles, in Ripley county, to Dillsborough in Dearborn county;

Which motion was decided in the affirmative.

Said bill was read a second time; and
 On motion,
 Committed to the committee on roads.

Mr. Moore of O., on leave granted, made the following report:

MR. SPEAKER—

The select committee to whom was referred a resolution inquiring into the expediency of repealing so much of the law as compels the board doing county business to cause to be selected from the qualified voters of the county, forty-eight petit jurors, have had that subject under consideration, and have directed me to report the following bill to wit:

No. 221, a bill to amend an act entitled “an act regulating the mode of summoning and empannelling grand and petit jurors;”

Which was read a first time and passed to a second reading.

Mr. Morrison made the following report:

MR. SPEAKER—

The joint committee on enrolled bills report, that they have presented to the Governor for his approval and signature, the following enrolled bills of the House, and joint resolution, viz:

No. 80, an act regulating the jurisdiction of justices of the peace in Jackson county.

No. 42, an act to amend an act entitled “an act for fixing the time of holding courts in the fourth judicial circuit.

No. 67, a joint resolution in relation to Edward M. Beckwith.

On motion,

The House adjourned until Monday morning at nine o'clock.

MONDAY MORNING, JAN. 27, 1840.

The House met pursuant to adjournment.

The Speaker announced the appointment of the following gentlemen as a committee on the part of the House of Representatives, to examine into the affairs of the Bloomington State University,—in pursuance of a resolution of the Senate, to wit: Messrs. Henley, Jenckes, and Hull.

Mr. Spann now arose and said, that it became his painful duty to announce to the House the death of the Hon. William Shields, the representative of the county of Jackson, who departed this life, at his boarding house in this city, since the last adjournment; when

On motion of Mr. Spann, it was

Resolved, That a committee be appointed to make arrangements for the funeral of the Hon. William Shields, late a member of this body, and to pay appropriate honors to the memory of the deceased, and make arrangements for the same, by this House.

Messrs. Spann, Zenor, English, Lane, and Henley, were appointed said committee.

On motion of Mr. Spann,

The House took a recess for one hour, to enable the committee to make a report.

Mr. Henley offered for adoption the following resolution:

Resolved, That the election for bank directors—the Senate concurring therein—shall be postponed until to-morrow at two o'clock, P. M.

Mr. Bowles moved to amend, by striking out “to-morrow at two o'clock,” and inserting “Monday next;”

Which motion was decided in the negative.

The resolution was then adopted.

Mr. Spann, from the select committee on that subject, made the following report, which was unanimously concurred in, to wit:

MR. SPEAKER—

The committee appointed to take into consideration the manner most suitable for the House of Representatives to adopt, in expressing their respect and esteem for the memory of the late William Shields, a Representative from the county of Jackson, have the honor to report,

That it is with feelings of regard and respect to the deceased, they take this solemn occasion to pay a suitable tribute of respect to his memory. The deceased was a son of James Shields, who distinguished himself on several occasions during the last war, by which he proved his ardent love of country. He has resided in Indiana during the last thirty years, and by his conduct and attachment to the constitution and laws of his country, has proved himself worthy of his noble and patriotic sire. The deceased has, on all occasions, during his brief career, manifested a strong and abiding attachment to the institutions of his country, and especially those of his adopted State. He was amiable in his disposition, courteous in his manners, and abiding in his friendship. Fond of his friends, and generous and liberal in his intercourse with those who differed with him in opinion—faithful and vigilant in the performance of every trust confided to him. Such has been his intercourse with the world, that those who knew him best esteemed

him most. A good neighbor, an honest man, an affectionate husband, a kind and indulgent father; therefore,

Resolved, That the members and officers of the House of Representatives, as a mark of respect to the Hon. William Shields, late a member of this body, will wear crape on the left arm during the remainder of this session.

Resolved, That arrangements be made, at the expense of the State, to convey the body of the deceased to his family residence.

Resolved, That as a tribute of respect to the character and virtues of the deceased, the members of this House, the Governor and officers of State will form in procession at the Capitol, at three o'clock, P. M., and move in that order to Mr. John Elder's boarding house, and from thence attend the deceased to the limits of the city; and that the Senate be informed of the adoption of these resolutions, and their concurrence respectfully requested.

Resolved, That a joint participation, on the part of the members of the Senate, be requested in the procession.

Resolved, That the editors of Indianapolis be requested to publish the foregoing report and resolutions; and that the Speaker of the House transmit to the widow and father of the deceased, a copy of the same.

Resolved, That this House will now adjourn until to-morrow morning at nine o'clock, A. M.

A message from the Senate, by Mr. Test, their secretary.

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that the Senate has reciprocated the resolutions of the House, relative to the Hon. William Shields, late a member of the House of Representatives, deceased. And also the President of the Senate, members and officers thereof, will wear crape on the left arm during the remainder of the session.

The Speaker now appointed Messrs. Atherton, English, Monroe, Morrison, Stewart, Sands, Zenor, Henley, Carlton of I., Hunt of J., Arnold, and Moore of O., pall-bearers; when

The House adjourned.

TUESDAY MORNING, JANUARY 28, 1840.

The House met pursuant to adjournment.

The Speaker laid before the House, a communication from B Hensley, one of the superintendents of the State prison, on the subject of the report of the visitor of said prison; which,

On motion of Mr. Henley,

Was referred to the committee on the State prison.

Mr. Conaway presented two several petitions from citizens of Dearborn county, praying that a charter may be granted to Isaac and Daniel J. Hancock, to build a toll bridge across South Hogan creek;

Which was referred to the same select committee, heretofore appointed on that subject.

Mr. Finch presented the petition of Edward Page and others, of Johnson county, praying a change in the law concerning elections;

Which was referred to the committee on the judiciary.

Mr. Finch presented the petition of Dana Gale and others, on the same subject;

Which was referred to the same committee.

Mr. Hull presented the petition of James D. Ross and others, for an additional justice of the peace in the town of Alquina in Jennings township Fayette county;

Which was referred to a select committee of Messrs. Hull, Parker and Osborn of U.

Mr. Wilson of W. presented the petition of William Sills and others, of White county, praying for the location of a State road from Monticello, so as to intersect the State road from Lafayette to Michigan city;

Which was referred to a select committee of Messrs. Wilson of W., Everts and Porter.

Mr. Cooper presented the communication of Samuel Schoolfield and others, on the subject of completing a portion of the public works by means of lotteries;

Which was referred to the committee on canals and internal improvements.

Mr. Porter presented the petition of James Kinkermmon and others, praying that the provisions of an act providing for a more uniform mode of doing township business be extended to Tippecanoe county.

Which was referred to a select committee of Messrs. Porter, White and Fitch.

Mr. Robinson of Ripley made the following report:

MR. SPEAKER—

The committee on elections to whom was referred a resolution of this House, instructing them to inquire into the expediency of so amending the present law regulating general elections so as to make it the duty of every elector to vote in his own proper township at all general elections, have according to order had the same under consideration, and have directed me to report that it is inexpedient to legislate on that subject at this time and ask to be discharged from the further consideration thereof.

Mr. Osborn of U. moved to lay the report upon the table;
Which motion was decided in the affirmative.

Mr. Jamison made the following report:

MR. SPEAKER—

The committee on the judiciary to whom was referred a resolution from this House, instructing them to report a bill for the formation of additional judicial circuits, have had the same under consideration, and have instructed me to report the following bill, to wit:

No. 222, a bill to amend an act entitled "an act dividing the State into judicial circuits, and fixing the times of holding courts therein, and for other purposes;

Which was read a first time and passed to a second reading.

A message from the Senate, by Mr. Test their Secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the resolution of the House relative to proceeding to the election of Bank Directors to day at 2 o'clock P. M., with an amendment, which is to proceed to said election at 10 o'clock this morning.

On motion of Mr. Long,

The amendment of the Senate was concurred in.

Ordered, That the clerk inform the Senate thereof.

Mr. Finch made the following report:

MR. SPEAKER—

The judiciary committee to whom was referred the petition of sundry citizens of Spencer county, praying an additional term of the Spencer circuit court have directed me to report the following bill, to wit:

No. 223, a bill to authorize the circuit court of Spencer county to hold an additional term;

Which was read a first time and passed to a second reading.

Mr. Parker made the following report:

MR. SPEAKER—

The committee on the Judiciary, to whom was referred a resolution of this House, relative to the taxation of the stock of the State Bank, as pointed out by the 15th section of the act establishing said Bank, and the act approved February 15th, 1839, as to the mode of levying taxes, and fixing the per centage for State and county purposes—and requiring of said committee an opinion, as to the justice and legality of the present tax upon said stock, over and above the ratio of taxation on other capital and property—have, agreeably to order, had the same under consideration, and now make the following

REPORT:

The 15th section aforesaid, of the act of 1834, establishing the State Bank, reads in these words:

“There shall be deducted from dividends, and retained in Bank each year, the sum of twelve and a half cents on each share of stock, other than that held by the State; which shall constitute part of the permanent fund, to be devoted to purposes of common school education, under the direction of the General Assembly, and shall be suffered to remain in Bank, and accumulate until such appropriation by the General Assembly; and said tax shall be in lieu of all other taxes and assessments on the stock in said bank. And in case of an *ad valorem* system of taxation being adopted during this charter, the said stock shall be subject to the same ratio of taxation as other capital, not exceeding one per centum, including the aforesaid tax, and the said tax shall only be assessed on such a portion of the public stock as shall have been paid, and on account of which, the stockholders shall not be indebted to the State.”

Since the establishment of said Bank, the contingency contemplated in the aforesaid section of its charter, has occurred, to wit: that of “an *ad valorem* taxation”—and the committee understand that the question involving the difficulty, about which their opinions are required, is this: Is the aggregate tax for all purposes upon bank stock, the same in amount, as that upon other personal property—or is it the same with the addition of the tax provided for a permanent school fund? Or to present the question in a more palpable form; A and B are citizens of St. Joseph’s county. A owns a horse, which is assessed at \$100—B owns two shares of bank stock, likewise of the value of \$100. The tax is 30 cents on the \$100 for State, and 30 cents for county purposes. A’s tax, then, upon his horse, is 60 cents for the two purposes; and now, is B’s tax upon his bank stock for those two

purposes, and the school fund the same amount of 60 cents; or is it 60 cents for the State and county, with the addition of 25 cents for the school fund, making in all 85 cents? The committee are clearly of opinion, that the latter, to wit: 85 cents, is B's tax.

If, moreover, the tax for state purposes were 50 cents on the \$100, and a like amount for county purposes, then A's tax, for the two purposes, would be \$1; and B's tax for the State, the county and the school fund, in the aggregate, no more, to wit: 50 cents for the State, 25 cents for the county, and 25 cents for the school fund.

If, again, the State tax were 75 cents on the \$100, and the county tax the same, then, whilst A's tax would be \$1.50, B's would still be but \$1, to wit: 75 cents for the State, 25 cents for the school fund, and nothing for the county.

The committee regard these illustrations as fairly and clearly indicating the true and proper meaning of the 15th section aforesaid, and the reasons for the distinction are deemed good. At any rate they are such, as leave for the holder of bank stock very little, if any ground for complaint.

At the present rate of taxation throughout the State, and at that rate at which it will doubtless continue, the holder of \$100 worth, or two shares of bank stock, will pay annually 25 cents more tax on the same, than he who holds the same amount of other personal property, will pay upon that property. And this, it is believed, is no more than a fair equivalent for the exclusive privilege of banking upon \$100—a privilege yielded by the holder of the \$100 worth of other property.

Although banking is generally regarded as beneficial to the community, especially if that community be a commercial one, yet in this State it is a monopoly, and is made so by the Constitution. Hence it is nothing but just, under a government whose spirit and essence is *equality of rights*, that those who exclusively enjoy this monopoly, should give to the excluded a *bonus* for their privileges. Those who framed the Bank charter, very wisely and properly secured this *bonus*; and with equal wisdom and commendable patriotism, made it, in the language of the charter, a "permanent fund, to be devoted to purposes of common school education, under the direction of the General Assembly." That fund has already amounted to the sum of \$10,250, and will, it is thought, by the time the business of the bank is wound up, under its present charter, amount to very little, if any, less than \$100,000. Thus this monopoly is made to foster a great conservative power, the general diffusion of knowledge, which is well denominated "the life of society."

Again: the holder of bank stock has not only the exclusive privilege of banking, but by the bank charter, he is protected from the contingency of ruinous taxation. The charter has settled the *ultimatum* of his burden of taxation. It can never exceed \$1 upon the \$100—whilst all other property is left to bear whatever burden of taxation the Legislature may see proper to impose. This, likewise, is right. The charter limits the rate of bank discounts, and, by consequence, the profits upon bank capital. Hence, if bank stock were subject to

the same extent of taxation that other property is, the contingency might occur, when such capital would be the most unprofitable of all other.

The committee, then, are of opinion, that taking their construction of said section of the charter as the true one, it places the principle of taxation involved in this inquiry, on as correct and equitable a basis, as could well be secured. They, therefore, ask to be discharged from further consideration of this subject.

On motion of Mr. Rush,

Five hundred copies of said report were ordered to be printed.

Mr. Fitch made the following report, to wit:

MR. SPEAKER—

The Committee on Education, to whom have been referred sundry resolutions of the House and petitions, asking a revision, amendments and alterations in our laws regulating common schools, have directed me to make the following

REPORT:

The subject generally upon which they have been called to deliberate and state the result of their deliberations to this House, is one of such paramount importance, that they entered upon it with a full consciousness of their inability to do it that justice which it merits and which perhaps should be expected at their hands. They have however been impelled to act, to the extent of their ability, by a sense of duty; duty, bound not by their own immediate sphere, nor their own limited length of time upon this "world's stage;" but the fulfilment of which must anticipate a long futurity, to be occupied by those not now in existence; duty to their children, and children's children; duty to their country, and those ever sacred principles of liberty and self-government, which having been purchased and handed down to this generation at such immense cost to our forefathers, it imperatively becomes us to bequeath, and protect by every safeguard which can be thrown around them, to those who are speedily to occupy our places.

The saddening influences arising from a conviction of a rapidly approaching departure from the scenes of corporeal life, are chastened by the reflection that we can leave an inheritance for those following us, rich, ennobling, beyond conception; one which, of all others, will call blessings upon our memory from those who enjoy it; the privilege of self-government, and *the means of acquiring the knowledge necessary to sustain it*. Our fathers well knew the truth of the precept "knowledge is power." Of this, the acts of almost every legislative body, since our existence as a representative people, are convincing proof. The father of his country, Washington, in his farewell address, tells

us "to promote, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened." In 1787 we find our patriarchs in Congress, assume as an axiom upon which to base legislation, that "religion, morality, and knowledge," are "necessary to good government and the happiness of mankind." This first *official* declaration of what is now considered a self evident proposition, was not, as both before and since, many avowals of a good principle, many formal espousals of correct theory, has been a motto for a party, a creed, too good to be carried into practice, a bill of rights to be talked of, but never adopted. No! close upon it follows convincing proof that those who said it, felt it; that they made no professions which they were not prepared to support; "schools and the means of education *shall forever* be encouraged." Our own immediate law founders, the venerable men who formed our State constitution, with a foresight alike honorable to themselves and beneficial to their descendants, after recognizing the principle laid down in the ordinance above quoted, solemnly, and by a constitutional provision, declare, "it shall be the duty of the General Assembly, as soon as circumstances will permit, to provide by law for a general system of education, ascending in a regular gradation from township schools to a State University, wherein tuition shall be gratis and equally open to all." That unfortunate clause, "as soon as circumstances will permit," has hitherto retarded useful action upon the subject. We have waited for "circumstances" to *compel* us, not to "permit" that they will do at any time. We should have compelled them to "permit," not blindly followed their lead. Those who laid down that duty for us, judged of the action of their sons in the cause to which it refers, by their own ardent zeal. They expected us to bend "circumstances" to our will, not make ourselves their slaves.

Although now too late to remedy, by regretting, what is passed, we can but look back with but mournful satisfaction to the millions which were once at our control, and at the manner in which they have been expended. A small share of that vast sum, if pledged for the purpose, would have constituted a fund for the benefit of all alike, a fund appealing to every parent's bosom for its support, a fund for the improvement of the head and heart. Instead of following the but too fashionable precedent of the day, and running riot in expenditures upon works of doubtful utility, we should have presented the glorious example of a people determined first to erect a "system" for perpetuating our free institutions, for imparting to our offspring knowledge, and its honorable handmaids, virtue and morality; a "system" for the improvement of that without which no other improvement can long save us from anarchy, **THE MIND**. Our works of internal improvement, we are aware, demand *much* of our time and *all* the means at our command, but they are works designed to increase the wealth and physical convenience of our people; they are intended for the benefit of the body, not of the mind. Should we do that as legislators of which we should be ashamed as individuals? We would entertain the

most profound contempt for that man who should husband all his means for, and direct all his energies to the gratification of his animal passions, to the neglect of *that* noble and undying part of his nature, the mind, the gift of his God, that which was formed after the image of his Maker. Let us, then, while devising ways and means for the former improvement, not lose sight of the latter. While aiming to increase our wealth, while legislating for the developement of our physical resources, let us not neglect the means necessary to call forth our mental energies. Ignorance and vice are concomitants, both the ready servants of a tyrant. Without their expulsion by the lights of that knowledge which can appreciate free government, which can see man in relation to *himself*, his mind, his powers, his accountabilities to those around him, to those who are to follow him, and to his Maker, anarchy or wretched tyranny must soon rule any land. Doubly, then, does it become us "to seek out diligently, and apply faithfully," the means of thus securing the virtuous happiness of our sons and daughters, and of perpetuating our republican institutions.

The despots of Egypt could call out their tens of thousands, to construct stupendous canals and pyramids; but they could not ensure their people from that violent destruction which time has not visited upon their proud monuments; they could not ensure to their laws and institutions that perpetuity which belongs only to those of an enlightened nation; they could not ensure to the moral and physical power of their hereditary descendants that immutability which has been attendant upon their embalmed dead. Ever thus it is with physical power, when not upheld by mental! What boots it that we obtain unbounded wealth, if we have not the knowledge necessary for its proper direction; that we administer to our corporeal and physical wants, if we leave the mind groveling in ignorance! Our wealth would soon be scattered; our institutions broken; our very names and national existence erased from the calendar of things which had been.

"A republican form of government supposes the most perfect intellectual and moral condition of the people." Intelligence and morals ever accompany each other. They are inseparable—and both the antipodes of vice. Where they are cultivated, the government is pure and strong. The offenders against society and its morals, the tenants of our prisons, are found to be those whose early education has been neglected; who were first ignorant, and from that ignorance became criminal. In one State, out of 300 convicts, only one had a liberal education; most were unable to write or read. This one fact should appeal to the patriotism and philanthropy of every citizen of our great republic. The same means will ensure safety to his country, virtue and morality to his fellow beings. What are those means? How shall we accomplish such great benefits to posterity? Most unquestionably by encouraging our common schools. We should begin at the foundation and build up. We should first provide good primary schools, and they will soon provide colleges. It would be a useless expenditure to endow colleges, and leave unprovided the means of qualifying our sons to enter them. Possibly, under such a system,

they would acquire a smattering of Latin, but their vernacular tongue would be to them Hebrew and Chaldaic,—a thing to be repeated; a medium of conveying some few ideas, but beyond that not understood. This would be carrying out the modern system of female education, which teaches a Miss the piano, before she can read her catechism, and learns her music before she can write a billet. Such scholars would be drones in society. They could be placed in no situation in life to be useful to themselves, or others. We would not be understood as deprecating the establishment of colleges, or universities, for the acquirement of those higher and nobler orders of literature, which are not, and cannot be, from their very nature, taught in our common schools. Far from it. They are as necessary for the perfection of the *scholar*, as is the *finish* for that of the landscape. But we should legislate first for that which will do the “greatest amount of good to the greatest number.” Common schools are within the reach of all—all, there can acquire those grand rudiments which enable them to become useful members of our great confederacy. Universities are for the benefit of the few, and are necessarily of secondary importance, except in so far as they may become the means of qualifying teachers for the former.

Schools, to become capable of doing the most good, should be free; in the language of our Constitution, “gratis, and equally open to all.” If such a system as the one contemplated by the framers of that instrument, could be established within our borders, it would present a spectacle worthy the admiration of the civilized world. And can it not be? Have we not long enough bowed to circumstances? Then, indeed, would “the young giant of the west” richly merit her appellation.

Much diversity prevails among the school systems of the several States. The schools of the “universal Yankee nation” Connecticut, are free, as are those of most of her eastern sisters. Can we not, with justice, attribute to this the varied and extensive knowledge of their people? Their aptitude for almost any ordinary business? The system of New York has been much lauded, but experience has proved it lamentably deficient in many of its details. The fault originates not in the want of fostering care by the Legislature, but is inherent in the system itself. Its benefits are placed beyond the reach of the extremely indigent, unless they will *submit to have a certificate of their poverty made out and filed with the clerk of the district*. The refusal to do this, in the vast majority of cases, may, perhaps, be attributed to pride; but if so, it is a pride not unbecoming an American citizen. It is a pride originating in the same spirit which declared “all men free and equal.” They have the feeling of parents—they wish not to see their children made a mockery, taunted with being *charity scholars*, and their young spirits broken, bound to the earth by a sense of dependence. Perhaps the most perfect system of schools in the world is in Prussia, a government from which, though absolute, we proud republicans should not be ashamed to borrow some useful hints.

Their system is a vast machine, perfect and harmonious in all its parts. Teachers are taught, who in turn teach others, at the expense of the State. Their youth are taught not only knowledge, but with it sound morals, a love of law, of order, of religion—religion for itself, not for any sectarian creed.

Our own plan as now existing, scarce deserves the name of system. It might be likened to a chain, the links of which, though in continuity, are not united; they have no common bond of union. It is a multitude of systems, having no accountability to each other, or to any higher power." "It is a body without a head a stream without a fountain." Its entire, immediate reformation, though much to be desired, will be extremely difficult. It cannot be the work of one Legislature. We have not the necessary statistics upon which to base a reformation. We present almost the only example of a State professing to have in force a system of common school education, which does not know the amount, or condition of its school funds, the number of schools and scholars to be taught, and to receive a distribution of those funds. Without this, and other necessary information, it would be idle to attempt the permanent establishment of any system with a view of having it operate equally upon all interested. These difficulties, however, should not deter us from the fulfilment of our duty as Legislators, nor our people from their's as parents. Other States have met and conquered greater. Pennsylvania was once without any system—having rejected hers for some defects in its details. Now she has one second to but few. South Carolina, after an arduous struggle, arising from its not being clearly comprehended, adopted her present excellent system, by a majority of only one in the State Senate. Let us not follow the example of Pennsylvania, and reject much that is good, because mingled with much that is bad or useless. Let us rather commence a reformation at once, and by that very commencement, lay the foundation of a system which shall yield the palm of usefulness to none other in the Union.

There is still greater diversity in the amount and situation of the school funds of the several States, than in their systems of education. Kentucky has an annual income from her common school fund, exclusive of the sixteenth section of only \$50,415 00; principally derived from interest on State bonds, and dividends on bank stock purchased for the purpose. Ohio estimates her annual income for common schools, from all sources, exclusive of the sixteenth sections, and inclusive of interest from surplus revenue, and a tax of one and a half mill on the dollar for school purposes, at \$270,810 89. Her several sources and items of school fund, like ours, are so commingled, confused, and uncertain, that none but estimates, necessarily more or less incorrect, can be made of their actual condition and amount. Connecticut, annually, distributes as interest for her common fund, \$81,939 40. The balance, necessary to make her school free, is made up by taxation. The school fund of our northern neighbor, Michigan, cannot now, from the incipient stage of her system, be accurately stated; but she has exhibited a spirit in this matter well worthy the

imitation of the older States. That young State has commenced aright, and laid the foundation for a fund which, although her *population* is comparatively small, will soon exceed that of any other State. The annual income of the New York school fund is \$282,472 27. In addition to which that State has an income from her literature fund (nearly equivalent to our college fund.) of \$18,409 07. Our own common school fund is entangled in more inexplicable confusion than that, probably, of any other similar fund in the United States. We have now, which we know to be available, the saline fund, \$30,000 00; tax of 12½ cents on each share of bank stock, \$10,000 00 surplus revenue loaned to Treasurer of State, \$6,376 80 and applicable to common school purposes, but of the situation and safety of which we are mostly ignorant, surplus revenue loaned to counties, \$567,126 16.

The whole sinking fund, after paying the State loan for banking purposes, of \$1,390,000 is appropriated to common school purposes. Under the past prosperity of the bank, if continued, this fund will have paid off the bank debt, in ten years, and then will all be diverted to the school fund. The proceeds of lands returned to school commissioners for non-payment of taxes is appropriated by law to this fund, but the *principal* used, instead of the interest. This policy should be changed, the *principal* funded and the *interest* used. It is impossible to estimate with any degree of accuracy the amount from this source, owing to the imperfect returns from many counties, and the absence of any returns from others. It was last year estimated at \$10,000 per annum. This estimate is much too high—not for the amount, to which we should be entitled, could correct returns be obtained, but for the amount which we are ever likely to secure. The amount, not yet expended, which could probably *now* be realized from this source, under a rigid system of scrutiny and accountability, would not exceed \$35,000. If however, *we find the principal* of this, we can reasonably anticipate an annual addition to it, provided proper steps are taken to ensure its recovery. The amount arising from the tax on bank stock is annually increased near \$3,000. If the bank capital is increased the increase of this fund will be in a corresponding ratio; every million dollars of increase of such capital, giving an annual increase of this fund of not far from \$2,000. The proceeds of the 16th section cannot properly be called a *common* school fund, although appropriated to school purposes. The money arising from this source belongs to the several townships; but extends very unequal benefits to them, some having near \$20,000, and others scarce \$1,000. The aggregate amount from the 16th sections is estimated at \$3,200,000, yielding annually \$256,000. Much however of this is idle, unavailable or lost, from the few, and but lightly regarded safeguards thrown around it in the hands of school commissioners. Our college fund is \$59,135. The interest of this sum, could it be bestowed upon a University having the confidence of the public, would soon endow one of which we might justly be proud. The present State Universi-

ty does not appear to have secured that confidence, either from error in its organization, and management, or from that rabid proneness in many to suspect wrong in whatever they do not fully comprehend.

Our common school fund *now* available by forcing every officer through whose hands it passes to an early settlement, and holding them to a strict responsibility, may be stated as follows:

Saline fund,	-	-	-	-	-	\$30,000 00
Tax on bank shares,	-	-	-	-	-	10,000 00
Surplus revenue loaned by Treasurer of State,	-	-	-	-	-	6,376 80
Surplus revenue loaned to counties,	-	-	-	-	-	567,126 16
Proceeds from lands returned for non-payment of taxes, not yet collected and disbursed, possibly						35,000 00
						<hr/> \$648,502 96

This at eight per cent. interest, will give us an annual income of \$51,880 23. But the truth must be told. A large portion of the principal, from which we expect to derive this interest, is in a doubtful situation, and much of it we fear lost. These things should not be. On examining the report of the Treasurer of State upon that subject, we find that the surplus revenue agents of 26 counties have made no returns whatever for the quarter ending 31st August last, and many none for several quarters. Yet these agents have or had in their hands over \$200,000. Many of the returns made from other counties are imperfect and unsatisfactory; or if they satisfy us of any thing, it is that the fund is rapidly being wasted; and that in a few years, under the present management, we shall, for this half million have nothing but worthless securities and bankrupt agents. It is estimated that near \$100,000 of it is now irrecoverably lost. Shall we not save the remainder? The committee are sorry to present so gloomy a picture. But an evil to be properly remedied must be fully known. To legislate for our common school fund in ignorance of its amount and condition; or upon flattering estimates of what under certain circumstances *it might be*, would lead us into endless errors. No circumstances of management or economy will enable us to derive an annual income, from the amount at present at our disposal, sufficient to defray the entire expense of our common schools. Nor is it desirable that we should; although by carefully husbanding what we have, and adding more when circumstances are favorable, we should endeavor to provide a fund capable of defraying a *reasonable* proportion of such expense. It probably never was intended by the framers of our constitution, in declaring there should be adopted a general system of education, "gratis and equally open to all," that the State should furnish funds entirely sufficient for the purpose, independent of more or less taxation from individuals, in its aid. What is cheaply obtained, is apt to be cheaply prized. A system which cost nothing would fail to excite in parents that lively interest, and

secure that warm support accorded to one which every individual feels is in part his own, to upholding which he is contributing his money in proportion to his comparative means.

Under the views here presented by the committee, of our school system and funds, which though far from as favorable as could be desired, they believe to be true, it behooves us promptly to devise the means of improving both. The bill which they present, with perhaps many imperfections, consequent upon the short time allotted for its preparation, and the absence of the requisite statistical information upon which to base its provisions, is, in their estimation, well calculated to lay the foundation for such improvement. All action necessary for the desired improvement rests not, however, with the Legislature. The people themselves in their primary assemblies, and through the ballot box must lend their powerful co-operation. The officers of the system and those having the management of its funds, should be parents, and men of undoubted integrity, qualified and capable of appreciating the cause in which they are engaged. If, aided by past experience and present knowledge of the subject, we devise a system adapted to our wants and means, and *such* men are selected to carry its provisions into effect, we can but soon rear one which will spread intelligence and morality among our entire population. In this matter we must proceed not only as men holding delegated power, responsible for its proper application to our constituents; as Legislators, accountable to the present and many future generations for our acts; but as parents fearfully amenable to our God for the proper mental culture of our children. Let us then as one man, in "common cause, for the common good," laying aside our personal preferences, "come up to the rescue."

G. N. FITCH, Chairman.

To wit:

No. 224, a bill to provide for a more efficient system of common schools;

Which was read twice, the rule being suspended, and 200 copies ordered to be printed.

On motion,

One thousand copies of the report were ordered to be printed.

Mr. Warriner made the following report:

MR. SPEAKER—

The committee on corporations, to whom was referred the petition of James Walton and others, inhabitants of Porter county, in relation to erecting a toll bridge across the Kankakee river, have had the same under consideration, and ordered me to report the following bill, to wit:

No. 225, a bill to incorporate the Kankakee Bridge Company, and for other purposes;

Which was read a first time and passed to a second reading.

Mr. Sweetser, from the committee on corporations, to whom bill No. 13 of the Senate, to incorporate the Orleans institute, had been referred, reported the same back without amendment.

Ordered, that the bill pass to a third reading on to-morrow.

Mr. Wilson of M. made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of Valentine Rothrock and others, on the subject of a State road, to be located in the county of White, have had the same under consideration, and have directed me to make the following report, to wit:

No. 226, a bill to locate a State road in the county of White:

Which was read a first time and passed to a second reading.

Mr. Fitch, from a select committee to which the subject was referred, reported the following bill, to wit:

No. 227, a bill to provide for a more uniform mode of doing township business in the county of Cass;

Which was read a first time and passed to a second reading.

Mr. Finch made the following report:

MR. SPEAKER—

The select committee to which was referred the petition of Thomas Needham and others, praying the establishment of a State road, have directed me to report the following bill, viz:

No. 228, a bill declaring a county road therein named a State road;

Which was read a first time and passed to a second reading.

Mr. Hull made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of Joseph D. Ross and others, praying for an additional justice of the peace in Alquina Jennings township, Fayette county, Indiana, beg leave to present the following bill, to wit:

No. 229, a bill to provide for the election of a justice of the peace in Alquina, Fayette county;

Which was read a first time and passed to a second reading.

Mr. Eccles made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of sundry citizens of Morgan and Owen counties, asking the establishment of a State road therein named, have had the same under consideration, and have directed me to report the following bill, to wit:

No. 230, a bill to locate a State road from Monrovia in Morgan county, to Mill Grove in Owen county;

Which was read a first time and passed to a second reading.

Mr. Monroe moved for adoption the following resolution:

Resolved, That the judiciary committee be instructed to inquire, what alterations, if any, are necessary in an act concerning vagrants, approved February 17th, 1838, and that they report by bill or otherwise.

Mr. Finch moved to change the reference from the judiciary committee to the committee on education;

Which motion was decided in the negative.

The resolution was then adopted.

Mr. Bell offered the following preamble and resolution, which were adopted, viz:

Whereas, The introduction of foreign capital into this State has a direct tendency to stimulate industry and to enlarge and develop the resources of the State; and whereas, entire security to the lenders of capital will increase the facility of obtaining it; and whereas, it is right and just that the interest of mortgagees should be protected; therefore,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of so amending the present law, that whenever hereafter, any delinquent lands or town lots shall be sold by the school commissioner of any county in this State, in pursuance of the law in force, it shall be the duty of the purchaser to give notice of such sale to any mortgagee or mortgagees or their assigns, whose mortgages may be recorded according to law; provided their place of residence appear in such mortgage or assignment, and be in the United States; and if such mortgagee, mortgagees or their assigns, within six months after such notice given, shall pay into the recorder's office, where such mortgage may be rendered, the full amount of principal paid by such purchaser, at such sale, with interest thereon at the rate of fifty per centum per annum, the lien so held shall not be destroyed, or in any way affected by such sale, and the principal and interest paid by such person holding such lien as aforesaid, shall be added to the principal of such mortgage and constitute a lien on such real estate, and that said committee report by bill or otherwise to this House, at as early a day as practicable.

On motion of Mr. Hamer,

Resolved, That the committee of ways and means be instructed to inquire into the expediency of so amending an act pointing out the mode of laying taxes and fixing the per centum of State purposes, so as to include pedlars and the owners of store-boats, and cause them to

pay the same license in each county, according to the capital invested, that the merchant has to pay each year.

On motion of Mr. Sands,

Resolved, That the committee on the judiciary be requested to inquire into the expediency of providing by law for the owners of warehouses to sell property which may be stored an unreasonable length of time, with leave to report by bill or otherwise.

On motion of Mr. Carelton of L.,

Resolved, That the committee on the judiciary be instructed to enquire into the legality of the contract entered into, on the 19th day of October 1839, between Milton Stapp and Lucius H. Scott, fund commissioners of the State of Indiana, and William Hendricks and others, for the sale of four hundred and fifty-five thousand dollars of State bonds, with leave to report by bill or otherwise.

On motion of Mr. Perry,

Resolved, That the committee of ways and means be instructed to authorize by law, the boards doing county business in the several counties, to sit one week in each year as a court, to hear and determine on cases wherein complaint is made of being over-taxed, or over assessed, and that they have leave to report by bill or otherwise.

The House now proceeded, with closed doors, to the election of a Director of the State Bank of Indiana, to fill the vacancy of Lucius H. Scott, Messrs. Parker and Gardner acting as tellers. On counting the first ballot, it appeared that

Jacob Walker received	-	-	-	-	46 votes.
Isaac C. Elston	-	-	-	-	32
Robert Hanna	-	-	-	-	9
Joseph Orr	-	-	-	-	4
Scattering	-	-	-	-	6

No person having received a majority of the whole number of votes given, the House proceeded to a second balloting. On counting the votes it appeared that

Jacob Walker received	-	-	-	-	52 votes.
Isaac C. Elston,	-	-	-	-	40
Robert Hanna	-	-	-	-	3
Joseph Orr	-	-	-	-	1 vote.
Scattering	-	-	-	-	1

Jacob Walker having received a majority of the whole number of votes given, was declared duly elected on the part of the House of Representatives.

The House, in like manner, proceeded to the election of a Director of the State Bank of Indiana, to fill the place of Alexander Worth, whose term of service will expire during the present session of the General Assembly. On counting the first ballot it appeared that

George P. Buell received	-	-	-	55 votes.
Isaac C. Ellston	-	-	-	21
William Hendricks	-	-	-	19
Scattering	-	-	-	2

George P. Buell having received a majority of the whole number of votes given was declared duly elected on the part of the House.

Ordered, That the clerk inform the Senate of the result of said elections.

A message from the Senate, by Mr. Test, their secretary:

MR. SPEAKER—

I am directed by the Senate to deliver to the House of Representatives a sealed message in relation to the election of bank directors of the State Bank of Indiana as follows—

The said message was in the words following, to wit:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives, that at an election held by the Senate, in pursuance of a resolution of the Senate and House of Representatives, for the purpose of electing two bank directors of the State bank of Indiana, to fill the vacancy of Lucius H. Scott, resigned, and Alexander Worth, whose terms of service will expire during the present session of the General Assembly, with closed door, Isaac C. Elston, of Montgomery county was duly elected to fill the vacancy occasioned by the resignation of Lucius H. Scott; and Joseph C. Eggleston, of Switzerland county, was duly elected to serve as such, four years from and after the expiration of the term of service of said Alexander Worth.

CHARLES H. TEST,
Sec. Senate.

There being a disagreement between the elections of the two Houses, the House proceeded to a second separate vote for Director of the State Bank of Indiana, to fill the vacancy of Lucius H. Scott. On counting the first ballot, on said second separate vote, it appeared that

Jacob Walker received	49 votes.
Isaac C. Elston	43
Scattering	3

Jacob Walker having received a majority of the whole number of votes given, was declared duly elected on the part of the House of Representatives.

The House, in like manner, proceeded to the election of Director of the State Bank, to fill the place of Alexander Worth, whose term

of service will expire during the present session of the General Assembly. On counting the first ballot, on said second separate vote, it appeared that

George P. Buell received	58 votes.
Joseph C. Eggleston “	22
Isaac C. Elston “	6
William Hendricks “	11

George P. Buell having received a majority of the whole number of votes given, was declared duly elected, on the part of the House of Representatives.

A message from the Senate by Mr. Test, their secretary:

MR. SPEAKER—

I am directed by the Senate to deliver to the House of Representatives the accompanying sealed message—

The said message was in the words following, to wit:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that at an election held in the Senate, in pursuance of a resolution of both Houses of the General Assembly, for the purpose of electing bank directors of the State Bank of Indiana, to fill the vacancy occasioned by the resignation of Lucius H. Scott, and to fill the place of Alexander Worth, whose term of service will expire during the present session of the General Assembly, with closed doors, Isaac C. Elston, of Montgomery county, was declared duly elected State bank director, to serve during the unexpired term of the said Lucius H. Scott, and Joseph C. Eggleston, was declared duly elected such director of said State bank, to serve as such four years from and after the expiration of the term of said Alexander Worth.

CHARLES H. TEST,
Sec. Senate.

There still being a disagreement between the two Houses, the House proceeded to a third separate vote for director of the State bank of Indiana, to fill the vacancy occasioned by the resignation of Lucius H. Scott. On counting the first ballot on said third separate vote, it appeared that

Jacob Walker received	55 votes.
Isaac C. Elston “	37
Scattering	3

Jacob Walker having received a majority of the whole number of votes given, was declared duly elected on the part of the House.

The House, in like manner, proceeded to the election of director of

the State Bank of Indiana, to fill the place of Alexander Worth, whose term of service will expire during the present session of the General Assembly. On counting the first ballot, on said third separate vote, it appeared that

George P. Buell received	58 votes.
Joseph C. Eggleston “	34
William Hendricks “	2
Scattering	2

George P. Buell having received a majority of the whole number of votes given, was declared duly elected, on the part of the House of Representatives.

A message from the Senate by Mr. Test, their secretary.

MR. SPEAKER—

I am directed by the Senate to deliver to the House of Representatives, the accompanying sealed message, in relation to the election of directors of the State Bank of Indiana.

The said message was in the words following, to wit:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives, that at an election held in the Senate, in pursuance of a resolution of both Houses of the General Assembly, for the purpose of electing directors of the State Bank of Indiana, to fill the vacancy occasioned by the resignation of Lucius H. Scott, and to fill the place of Alexander Worth, whose term of service will expire during the present session of the General Assembly, with closed doors, Jacob Walker having received a majority of all the votes given in the Senate, was declared duly elected on the part of the Senate, such director to fill the vacancy, and serve during the unexpired term of said Lucius H. Scott: and George P. Buell having received a majority of all the votes given in the Senate, was declared duly elected, on the part of the Senate, such director to serve four years from and after the expiration of the present term of service of said Alexander Worth.

CHARLES H. TEST,
Sec'y Senate.

Both Houses having agreed upon the same individuals, on their third separate vote, the Speaker of the House declared Jacob Walker duly elected director of the State Bank of Indiana, to fill the vacancy of Lucius H. Scott, and to serve as such during his unexpired term of service, and George P. Buell duly elected director of the State Bank of Indiana, to fill the place of Alexander Worth, and to serve as such

for four years, from and after the expiration of his present term of service.

On motion,

The House adjourned until two o'clock, P. M.

Two o'clock, P. M.

The House met pursuant to adjournment.

Mr. Sweetser, on leave granted, made the following report:

MR. SPEAKER—

The committee on corporations, to whom was referred an engrossed bill from the Senate, entitled "a bill to incorporate the Orleans Institute, have had the same under consideration, and directed me to report the same without amendment.

Said bill was ordered to a third reading on to-morrow.

Mr. Sweetser made the following report:

MR. SPEAKER—

The committee on corporations, to whom was referred the bill to incorporate the Lagrange Collegiate Institute, have had the same under consideration, and directed me to report the same, with sundry amendments;

Which were concurred in by the House, and the bill ordered to be engrossed for a third reading.

Mr. Sweetser made the following report:

MR. SPEAKER —

The committee on corporations to whom was referred a bill to amend an act entitled an act incorporating the Richmond and Boston Turnpike Company," have had the same under consideration and have directed me to report the same without amendment,

The bill No. 127, was ordered to be engrossed for a third reading.

Mr. Sweetser made the following report:

MR. SPEAKER—

The committee on corporations to whom was referred the bill to amend an act to incorporate the town of Jeffersonville, have had the same under consideration and directed me to report the same without amendment.

Said bill, No. 197, was ordered to be engrossed for a third reading.

Mr. Sweetser made the following report:

MR. SPEAKER—

The committee on corporations to whom was referred an engrossed bill from the Senate to incorporate the Orange Guards, have had the same under consideration and directed me to report the same with an amendment, by adding thereto an additional section;

Which was concurred in by the House, and the bill, No. 42, of the Senate, was ordered to a third reading.

Mr. Sweetser made the following report:

MR. SPEAKER—

The committee to whom was referred a bill to amend an act entitled "an act to incorporate the town of Vevay approved January 30th, 1836, have had the same under consideration and directed me to report the same without amendment,

The said bill, No. 133, was ordered to be engrossed for a third reading.

A message from the Senate, by Mr. Test their Secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed bills of the House as follows, viz:

No. 12, an act to change the time of holding courts in the eleventh judicial circuit.

No. 23, an act to regulate the jurisdiction of justices of the peace in Boone county.

No. 56, an act to legalize certain acts of the board doing county business in the county of Dubois; and

No. 71, an act to amend an act entitled "an act to incorporate the New Harmony Working Men's Institute for mental instruction."

No. 12 and 28, with an amendment in which the concurrence of the House is respectfully requested.

Nos. 56 and 71, without amendment.

Also the Senate has passed engrossed bills and joint resolutions thereof as follows, viz:

No. 14, a joint resolution in relation to a certain mail route therein named.

No. 18, an act for taking the enumeration of the White male inha-

bitants above the age of twenty one years in this state.

No. 23, an act to amend an act concerning insane persons, approved 22 Jan. 1818.

No. 27, an act to extend the time of payment to purchasers of school lands in Monroe county.

No. 38, an act amendatory to an act entitled "an act regulating prison and prison bounds, approved Feb. 17, 1838."

No. 41, an act for the relief of Marion county.

No. 44, an act to amend an act to incorporate the City of New Albany and to repeal all laws in force incorporating the town of New Albany, approved Feb. 14, 1839.

No. 63, an act in relation to the College funds in the counties of Gibson and Monroe.

No. 67, an act subjecting choses in action to the payment of judgments.

No. 68, an act to incorporate the Rockville Parke county Female Seminary.

No. 74, an act to incorporate the Indiana General Baptist Seminary in the county Vanderburg.

No. 98, an act to legalize the official acts of the several boards of trustees of the village of Mishawaka.

No. 99, an act to legalize certain acts of the county Commissioners of Cass county.

No. 100, an act to authorize James T. Miller to keep a public Ferry across the Wabash river in Miami county and for other purposes.

No. 102, an act for the relief of Conrod Staser of Vanderburgh county Indiana; and

No. 105, an act to amend an act to incorporate the Western Literary Society of Wabash College in the county of Montgomery, approved Feb. 7, 1835.

In which also the concurrence of the House is respectfully requested.

Bill No. 12, of the House, mentioned in the message, was laid upon the table.

Bill No. 28, of the House, mentioned in the message, was also,

On motion of Mr. Nelson of B., laid upon the table.

Bills and joint resolutions of the Senate, numbered 18, 23, 27, 38, 41, 44, 63, 93, 99, 100, and 105, mentioned in the message, were severally read a first time and passed to a second reading.

Joint resolution No. 14, mentioned in the message, was read a first and second time, the rule being suspended, and ordered to a third reading.

Bills No. 68 and 74, were severally read a first, second and third times, the rule being suspended, and passed.

Ordered, That the Senate be informed thereof.

Bill No. 102, mentioned in the message, was read a first and second time, the rule being suspended, and ordered to a third reading.

The House now proceeded to the consideration of bills on their second reading.

No. 61, an engrossed bill of the Senate, amendatory of the charter of Michigan City, was read a second time; and

On motion of Mr. Bowles,

Referred to the committee on corporations.

No. 75, a bill of the Senate, to revive a state road therein named, was read a second time; and

On motion of Mr. Buckles,

Committed to the committee on roads.

No. 83, a joint resolution, of the Senate, for the relief of Peter Houston was read a second and third times, the rule being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

No. 95, an engrossed bill of the Senate, establishing a state road in the county of Switzerland, was read a second time and committed to the committee on roads.

No. 146, a bill of the House to encourage the raising of sheep and hogs and for other purposes, was read a second time; when

Mr. Robinson of J., moved to commit the bill to a committee of the whole House for the present time.

Mr. Moore of O., moved to lay the bill upon the table;

Which motion was decided in the negative.

On the question of committing the bill to a committee of the whole House, it was decided in the negative.

Mr. Jamison, moved to refer said bill to the committee on corporations;

Which motion did not prevail.

Mr. M'Coy moved to commit the bill to the committee on agriculture;

Which motion was decided in the negative.

Mr. Frisbie moved so to amend the bill, that it shall be left discretionary with the boards doing county business to offer a premium for Wolf scalps or not;

Which amendment was adopted.

Mr. Herriman moved that the bill be referred to a select committee;

Which motion was decided in the affirmative.

Messrs Herriman, Garrigus and Woodard were appointed said committee.

No. 147, a bill, of the House, to regulate the mode of petitioning the Legislature, in certain cases, was read a second time; when

Mr. Edmonson moved that the bill be indefinitely postponed;

Which motion was decided in the affirmative.

No. 148, a bill to change the name of Susannah Derrsing, was read a second time; when

Mr. Bowles moved that said bill be indefinitely postponed;

Which motion was decided in the negative.

Mr. Herriman moved that said bill be referred to the same select

committee to whom the Wolf scalp bill had been referred;

Which motion did not prevail.

Mr. Nelson of B., moved that the bill be laid upon the table;

Which motion was decided in the negative.

On motion,

The bill was considered as engrossed and read a third time.

On the question, shall the bill pass?

The ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Burke, Cooper, Davis, Eccles, Edmonson, English, Everts, Flint, Frisbie, Gardner, Henley, Herriman, Hull, Jamison, Lane, Lancaster, Lanius, Lee, Long, McCormack, McCoy, Miller, Milroy, Monroe, Montgomery, Moore of O., Osborn of F., Osborn of U., Parker, Perry, Perviance, Porter, Rippey, Robinson of Rush, Rush, Sands, Spann, Stewart, Warriner, White, Wilson of M., Wilson of W., Zenor and Mr. Speaker—44.

Those who voted in the negative were:

Messrs. Arnold, Atherton, Baker, Beckett, Pell, Berkshire, Bowles, Buckles, Campbell, Carleton of F., Carlton of L., Clark, Cogswell, Conaway, Cox, Dunn, Farley, Finch, Fitch, Foster, Garrigus, Haddon, Hamer, Hamblen, Jackson, Jenckes, Johnson, Jones, McGaughy, Moore of V., Morgan, Morrison, Nelson of B., Nelson of M., O'Neill, Robinson of J., Robinson of Ripley, Shiveley, Sweetser, Thompson, Wheeler, Woodard and Worster—43.

So said bill passed.

Ordered, That the Clerk inform the Senate thereof.

A message from the Governor by Mr. Moore his private Secretary:

MR. SPEAKER—

I am directed by the Governor to inform the House of Representatives, that he did on Saturday the 25th inst., approve and sign acts of the titles following, to wit:

“An act to amend an act entitled “an act fixing the time of holding courts in the fourth judicial circuit;”

“An act regulating the jurisdiction of justices of the peace in Jackson county;”

Also, “a joint resolution in relation to Edward M. Beckwith.”

All of which originated in the House of Representatives.

No. 149, a bill to legalize the acts of the probate court of De Kalb county;

No. 150, a bill relative to the probate court of Bartholomew county;

No. 159, a bill to fix the time of holding probate courts in Marion county;

No. 162, a bill to divorce Ruth Ann Douglass;

No. 164, a bill for the benefit of and concerning a State road therein named;

No. 165, a bill to authorize the holding of an additional term of the circuit court of Washington county;

No. 167, a bill for the benefit of, and concerning a State road therein named;

No. 168, a bill to locate a State road from the town of Marion in Ripley county to the town of Westport in Decatur county.

No. 171, a bill concerning the duties of the school commissioner of Crawford county;

No. 178, a bill to extend to Grant county the provisions of an act entitled "an act providing for a more uniform mode of doing township business, in the several counties therein named;

No. 181, a bill to authorize the relocation of a State road passing through the town of Rising Sun in Dearborn county;

No. 185, a joint resolution in relation to contractors;

No. 190, a bill to amend an act entitled "an act for the relief of persons who are likely to suffer by the destruction of the records of Dearborn county;

No. 191, a bill to provide for the election of a justice of the peace and constable in the town of White-Hall in Owen county;

No. 192, a bill to declare Main Flat Rock and Big Blue River in the county of Henry public highways;

No. 193, a bill to authorize the qualified voters of this State to vote for or against a convention for the revision of the constitution of this State;

No. 194, relative to the purchase of a fire engine in the town of Jeffersonville,

Were severally read a second time and ordered to a third reading.

No. 51, a bill to change the time of commencing the sessions of the General Assembly;

Was read a second time; when

Mr. Garrigus moved that said bill be indefinitely postponed,

And the ayes and noes being requested thereon by Messrs. Edmonson and Monroe,

Those who voted in the affirmative were:

Messrs. Atherton, Baker, Beckett, Berkshire, Bowles, Buckles, Campbell, Carelton of F., Carlton of L., Clark, Cogswell, Davis, English, Everts, Fisher, Fitch, Foster, Garrigus, Gardner, Haddon, Hamer, Hamblen, Hull, Hunt of R., Jamison, Johnson, Lane, Lancaster, Lee, McGaughey, Monroe, Moore of O., Moore of V., Morgan, Morrison, Nelson of M., O'Neill, Parker, Porter, Robinson of J., Rush, Southard, Spann, Sweetser, Wheeler, White, Wilson of M., Wilson of W., Woodard and Mr. Speaker—51.

Those who voted in the negative were:

Messrs. Albertson, Bell, Burke, Conaway, Cooper, Cox, Dunn, Eccles, Edmonson, Farley, Finch, Flint, Frisbie, Henley, Herriman, Jackson, Jenckes, Jones, Lanius, Long, McCoy, Miller, Milroy, Nelson of B., Osborn of F., Osborn of U., Perry, Perviance, Rippey, Robinson of Ripley, Robinson of Rush, Sands, Shiveley, Stewart, Thompson, Warriner, Worster and Zenor—37.

So said bill was indefinitely postponed.

No. 153, a bill to incorporate the White Lick Commercial Company, was read a second time; and

On motion of Mr. Eccles,

Referred to the committee on corporations.

No. 154, a bill fixing the rate of toll for grinding, was read a second time; when

On motion of Mr. Jones,

Said bill was committed to a select committee of Messrs. Hull, Jones, Zenor, Moore of O. and Hamer.

No. 157, a bill to relocate a part of a State road therein named, was read a second time; and

On motion of Mr. Bowles,

Committed to the committee on roads.

No. 158, a bill to amend an act entitled "an act to regulate the jurisdiction and duties of justices of the peace, was read a second time; and

On motion,

Referred to a select committee of Messrs. Hull, Buckles and Hunt of R.

No. 161, a bill to incorporate the Wabash Rangers, was read a second time; and

On motion of Mr. Southard,

Referred to the committee on corporations.

No. 163, a bill to allow further time to the Lawrencebugh and Indianapolis rail road company to settle up and close their affairs, was read a second time; and

On motion,

Referred to the committee on corporations.

No. 166, a bill to relocate the State road leading from Rising Sun in Dearborn county to Versailles in Ripley county, was read a second time; and referred to the committee on roads.

No. 169, a bill to confirm the title made by Harriett M. Williams and Thomas C. Williams, minors, to certain real estate therein designated, was read a second time; and

On motion of Mr. Stewart,

Committed to the committee on the judiciary.

No. 170, a bill to locate a part of the State road from Troy to Jasper, was read a second time, and

On motion of Mr. Edmonson,

Referred to the committee on roads.

No. 174, a bill concerning witnesses in criminal cases, was read a second time; and

On motion,

Referred to the committee on the judiciary.

No. 177, a bill to locate a State road in the county of Jasper, was read a second time, and referred to the committee on roads.

No. 181, a bill to revive an act to incorporate the Lagrange Manufacturing company, was read a second time; and

On motion,

Committed to the committee on corporations.

No. 187, a bill to incorporate the first Presbyterian Church of Crawfordsville, was read a second time; and

On motion,

Referred to the committee on corporations.

No. 189, a bill to amend certain acts therein named, was read a second time; and

On motion,

Committed to the committee of ways and means.

No. 195, a bill to incorporate the Wabash Fire Company, was read a second time; and

On motion of Mr. Edmonson,

Referred to the committee on corporations.

No. 196, a bill for the relief of Isaac Pinnick, was read a second and third times, the rule being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

No. 152, a bill to subject debts and equitable interests of judgment debtors to the payment of judgments, was read a second time: when

Mr. Jones moved that said bill be indefinitely postponed.

Mr. Bowles moved that it be laid upon the table;

Which motion was decided in the negative.

On the question, Shall said bill be indefinitely postponed? it was decided in the affirmative.

On motion,

The House adjourned until to-morrow morning at nine o'clock.

WEDNESDAY MORNING, JANUARY 29, 1840.

The House met pursuant to adjournment.

The Speaker laid before the House the report of the Chief Engineer, to the Board of Internal Improvement, in relation to the surveys on the Erie and Michigan canal;

Which was referred to the committee on canals and internal improvements, and five hundred and fifty copies ordered to be printed, fifty copies of which number to be for the use of the Board of Internal Improvement.

Mr. Wilson of M., presented the petition of Jesse Martindale of Miami county, for the change of a State road therein named ;

Which was referred to the committee on roads.

Mr. Sweetser presented the petition of E. Browning and G. W. Meers, praying that a portion of a certain street in Indianapolis may be vacated;

Which was referred to the committee on the affairs of the town of Indianapolis.

Mr. Sweetser presented the petition of E. J. Peck, John L. Ketcham and others, praying for an act of incorporation for the Second Presbyterian Church, in the town of Indianapolis;

Which was referred to the committee on corporations.

Mr. Warriner presented the petition of Solomon Russell, collector of Lake county, praying a further time to make his return of State revenue;

Which was referred to a select committee of Messrs. Warriner, Everts and Herriman.

Mr. Milroy presented the petition of Newton H. Gist and others, praying that an act authorising the probate judges, throughout the State of Indiana, to take acknowledgments of deeds, and receive for the same the fees granted to justices of the peace;

Which was referred to the committee on the judiciary.

Mr. Henley presented the petition of Elias Long, late collector of Clark county, praying that certain claims therein specified, may be allowed;

Which was referred to the committee on claims.

Mr. Finch made the following report:

MR. SPEAKER—

The judiciary committee, to which was referred bill of the Senate No. 7, entitled "a bill amendatory to an act relative to practice in circuit courts, approved Feb. 1839," have considered the same, and have instructed me to report the bill back to the House, and recommend its passage.

Said bill was ordered to a third reading.

Mr. Long made the following report:

MR. SPEAKER—

The committee on ways and means, to whom was referred a petition of Isaac Shadlin and others, of Blackford county, for three per

cent. fund, &c., have had the same under consideration, and have directed me report the same back to the House, and ask to be discharged from the further consideration thereof.

The redort was concurred in, and the committee discharged accordingly.

Mr. Finch made the following report:

MR. SPEAKER—

The judiciary committee, to whom was referred bill No. 206, entitled "a bill to authorize boards doing county business to appoint a jailor in each county," have considered the same, and directed me to report, that they deem any farther legislation on the subject unnecessary. They therefore recommend that farther consideration of the bill be indefinitely postponed.

The report of the committee was concurred in, and the bill indefinitely postponed.

Mr. Eccles made the following report:

MR. SPEAKER—

The judiciary committee, to whom was referred the petition of sundry citizens of the State of Indiana, praying the passage of a law to authorize horse racing and shooting at marks for money, according to order, have had the same under their consideration, and have directed me to report, that we do not consider this the proper time to commence or encourage any kind of gambling, until after we are able to pay our contractors, and finish the most important parts of our public works, your committee say it is inexpedient to legislate further on this subject at this time, and ask to be discharged from the further consideration thereof.

Mr. Cutter moved to lay the report upon the table;

Which motion was decided in the negative.

Mr. Jones moved to recommit the report to a select committee.

Mr. Judah moved to lay the report upon the table;

Which motion did not prevail.

On the question, Shall said report be recommitted to a select committee? it was decided in the negative.

The report was then concurred in.

Mr. Southard made the following report:

MR. SPEAKER—

The committee on canals and internal improvements, to whom was referred the petition of John Wishard and others, praying an appro-

priation to assist him in the erection of a bridge across the Central canal, have had the same under consideration, and have directed me to report the same back to the House, and ask to be discharged from the further consideration of the subject.

The report was concurred in, and the committee discharged accordingly.

Mr. Hull made the following report:

Mr. SPEAKER—

The committee on canals and internal improvements, to whom was referred the petition of R. N. Williams and others, in relation to a certain burying ground through which the Central canal passes, have had the same under consideration, and have directed me to report it back to the House, and ask to be discharged from the further consideration thereof.

The report was concurred in and the committee discharged accordingly.

Mr. Milroy made the following report:

Mr. SPEAKER—

The committee on canals and internal improvements, to whom was referred that part of the Governor's message relating to settlers on the Wabash and Erie Canal lands, with a petition of sundry citizens, praying for relief to such settlers; and also a bill of this House entitled "a bill for the relief of settlers on the Wabash and Erie Canal lands;" have had the same under consideration, and directed me to report the following bill, as an amendment to the bill so referred, to wit:

No. 92, a bill for the relief of settlers on the Wabash and Erie Canal lands.

Mr. Sweetser moved to lay the report upon the table, and that one hundred copies be printed for the use of the House;

Which motion was decided in the affirmative.

Mr. Lane, from the committee on canals and internal improvements, to which the subject was referred, reported the following bill, to wit:

No. 231, a bill to amend an act entitled "an act to provide for a general system of internal improvements, approved January 27, 1836;

Which was read a first time and passed to a second reading.

Mr. Sweetser made the following report:

MR. SPEAKER—

The committee on corporations, to whom was referred the petition of E. J. Peck and others, have had the same under consideration, and directed me to report the following bill, to wit:

No. 232, a bill to incorporate the Second Presbyterian Church in Indianapolis;

Which was read a first time and passed to a second reading.

Mr. Dunn made the following report:

MR. SPEAKER—

The committee on corporations to whom was referred an engrossed bill of the Senate, No. 46, entitled "an act to incorporate the Bartholomew County Silk Company," have had the same under consideration, and directed me to report the bill to the House, with an additional section, viz:

SEC. —. That all the funds of said corporation shall be appropriated exclusively for the encouragement of the growth and manufacture of silk, and for no other purposes.

Said report was concurred in, and the amendment ordered to be engrossed and the bill read a third time on to-morrow.

Mr. Cooper made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of Moses H. Gregg and others, on the subject of annexing all that part of East Knightstown, lying on the east side of Blue river, to the town of Raysville, have had that subject under consideration, and they have directed me to report the following bill, to wit:

No. 233, a bill to annex all that part of East Knightstown, lying East of Blue river, to the town of Raysville;

Which was read a first time and passed to a second reading.

Mr. Berkshire made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of sundry citizens of Blackford county, praying a removal of the county seat thereof, together with the accompanying documents; have had the same under consideration, and have directed me to report the following bill, to wit:

No. 234, a bill to provide for the relocation of the county seat of Blackford county;

Which was read a first time and passed to a second reading.

Mr. Haddon made the following report:

MR. SPEAKER—

The select committee to which was referred the petitions and remonstrances of sundry citizens of Sullivan county, relative to a relocation of the county seat of said county, have had the same under consideration and directed me to report the following bill, to wit:

No 235, a bill to relocate the seat of justice of Sullivan county;

Which was read a first and second times, the rule being suspended; when

Mr. Cutter moved that said bill be laid upon the table;

Which motion was decided in the negative.

Mr. Cutter then moved that said bill be indefinitely postponed;

Which motion did not prevail.

Mr. Jenckes called for the reading of the remonstrance from Sullivan county; which was read by the clerk.

Mr. Haddon called for the reading of two of the petitions; which were also read; when

The said bill was ordered to be engrossed for a third reading.

A message from the Senate by Mr. Morrison their assistant Secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that the Senate have passed an engrossed bill of the House No. 119, a bill to fix the time of holding the courts in the 5th judicial circuit without amendment.

Mr. Sweetser moved that Mr. Perry be added to the committee on corporations, in the place of Mr. Shields; which was consented to by the House.

Mr. Cogswell, from the select committee to which the subjects were referred, reported the following bills, to wit:

No. 236, a bill to change a part of the State road leading from Indianapolis to Pendleton in Madison county;

No. 237, a bill to change part of the Strawtown and Pendleton State road;

Which were severally read a first and second times, the rule being suspended, and committed to the committee on roads.

Mr. Finch presented a remonstrance on the same subject;

Which was referred to the same committee.

Mr. Henley made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of Peter Makowsky, praying for a divorce from his wife Amanda, have directed me to report the following bill, to wit:

No. 238, a bill to dissolve the bands of matrimony between Peter Makowsky and Amanda Makowsky;

Which was read a first time; when

Mr. Jones moved that said bill be rejected;

Which motion was decided in the negative.

Said bill passed to a second reading.

Mr. Hunt of R. made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of William Vail and others, on the subject of a State road from Manceytown in Delaware county to Portland in Jay county, have had the same under consideration; *And whereas*, we find on examination that there is a State road now located on or near the route asked for by said petitioners, the committee has therefore directed me to report inexpedient to legislate on that subject, and ask leave to be discharged from the further consideration of that subject.

The report was concurred in and the committee discharged accordingly.

Mr. Hull made the following report:

MR. SPEAKER—

The select committee to which was referred a bill of the House, No. 158, have, according to order, had the same under consideration, and have directed me to report the same back with sundry amendments;

Mr. Jamison moved to lay the report upon the table;

Which motion was decided in the negative.

The report was then concurred in by the House.

Mr. Parker then moved to strike out of the bill the word "Fayette;"

Which motion was decided in the negative.

The said bill, No. 158, to amend an act to regulate the jurisdiction and duties of justices of the peace, was ordered to be engrossed for a third reading.

On motion of Mr. Bowles,

Resolved, That the committee on canals and internal improvements be instructed to inquire into the expediency of providing by law, for the erection of gates, on so much of the New Albany and Vincennes McAdamized road, as is or may be completed and ready for use; and

also to regulate the rate of tolls therein; and, if deemed necessary, to appoint an agent on said road, with leave to report by bill or otherwise.

On motion of Mr. Southard,

Resolved, That the committee on the judiciary be requested to report a bill, which shall provide for the adoption and general use of the set of standard weights authorized by Congress, and intended for the use of the States.

On motion of Mr. Henley,

Resolved, That the select committee to whom was referred sundry resolutions of this House, directing them to inquire into the situation of our internal improvement and bank fund in the east and elsewhere, be directed to inquire, by what authority the branches of the State Bank of Indiana, have made advances for the prosecution of the system of internal improvement, beyond the means provided by the fund commissioners for that purpose; and also to inquire what influence such advancements have had in creating the present embarrassments of the State, and to what extent this policy has affected the ability of the bank to accomplish the objects for which it was created, the accommodation of our citizens by the usual discounts, for the ordinary business operations of the country.

Mr. Cutter moved for adoption the following preamble and resolution:

Whereas, The people of this State, through their General Assembly, have passed several acts for the purpose of establishing a system of internal improvement, and in furtherance of that object, they have elected fund commissioners and authorized them to borrow money on the credit of the State, which they have done; therefore,

Resolved, That this House will do every thing in their power, under existing circumstances, to preserve that credit inviolate.

M. Henley moved that said preamble and resolution be laid upon the table,

And the ayes and noes being requested thereon by Messrs. Cutter and Butler,

Those who voted in the affirmative were:

Messrs. Beckett, Buckles, Clark, Davis, Dunn, English, Fisher, Foster, Frisbie, Garrigus, Gardner, Haddon, Henley, Jamison, Jones, Lane, Lee, McCoy, Miller, Monroe, Moore of V., Morgan, Nelson of B., Osborn of U., Perry, Perviance, Porter, Robinson of Ripley, Robinson of Rush, Sands, White, Worster, Zenor and Mr. Speaker—33.

Those who voted in the negative were:

Messrs. Allison, Arnold, Atherton, Baker, Bell, Berkshire, Bowles, Burke, Butler, Campbell, Carleton of F., Cogswell, Conaway, Cooper, Cox, Cutter, Eccles, Edmonson, Everts, Farley, Finch, Flint, Hamer,

Hamblen, Herriman, Hull, Hunt of J., Hunt of R., Jackson, Jenckes, Johnson, Lancaster, Long, McCormack, Milroy, Montgomery, Moore of O., Nelson of M., O'Neill, Osborn of F., Parker, Rippey, Robinson of J., Rush, Shiveley, Southard, Spann, Stewart, Sweetser, Thompson, Warriner, Wheeler, Wilson of M. and Woodard—54.

So said resolution was not laid upon the table.

Mr. Miller moved to postpone the preamble and resolution until next Monday week.

Before the question was taken on said motion.

The House adjourned until two o'clock P. M.

Two o'clock P. M.

The House met pursuant to adjournment.

Mr. Morrison made the following report:

MR. SPEAKER—

The committee on enrolled bills report that they have compared engrossed with the enrolled bills of the following titles, viz:

No. 119, an act fixing the times of holding courts in the fifth judicial circuit, which originated in the House.

No. 64, an act granting relief in certain cases therein named, which originated in the Senate, and find the same correctly enrolled;

Whereupon,

The Speaker signed the same.

Ordered, That the Clerk inform the Senate thereof.

The Speaker laid before the House a communication from Samuel H. Patterson, one of the superintendents of the State Prison, on the subject of the report of the visitor of said prison; which,

On motion of Mr. Henley,

Was referred to the committee on the State prison.

The Speaker also laid before the House a communication from the President of the State Bank, on the subject of his agreement with the Morris Canal and Banking Company, in reference to State Bonds sold said company, in answer to a resolution of the House of Representatives of the 18th inst.

Which was referred to the committee on the judiciary, and 100 copies ordered to be printed.

Br. Burke, on leave granted, offered for adoption the following preamble and resolution:

Whereas, The national road in Indiana is sometimes almost impassable, from the fact that the bridges and temporary wooden culverts,

built by the Government on said road in Indiana, are now many of them rotting down and unsafe; therefore, be it

Resolved, That a select committee be appointed, whose duty it shall be to inquire into the expediency of providing by law, for keeping in repair those bridges and culvers on said road in Indiana, until otherwise provided for; with leave to report by bill or otherwise.

On the question, Shall said preamble and resolution be adopted? It was decided in the affirmative.

Mr. Robinson of J. moved to suspend the rules, and take under consideration the resolution offered by Mr. Cutter, pending at the last adjournment;

Which motion was decided in the negative.

Mr. M'Coy moved to suspend the previous orders of business, and take under consideration bill of the House No. 45, to amend an act, entitled "an act subjecting real and personal estate to execution—relating to the valuation of property taken on execution;

Which motion was decided in the negative.

Mr. Long moved to take from the table bill of the House No. 120, to provide that the people may elect their own assessors and collectors; and for other purposes;

Which motion was decided in the affirmative.

Mr. Cutter moved to commit the bill to a committee of the whole House, and make it the order of the day for to-morrow;

Which motion was decided in the negative.

Mr. Hull moved to recommit the bill to a select committee;

Which motion was decided in the affirmative

Messrs. Hull, Morgan, Fisher, Milroy, Johnson, and Cutter, were appointed said committee.

Mr. Bowles moved the following instructions to the committee, to wit:

"To amend so as to elect the assessors and collectors for the several counties, and graduate the per centum for collecting, at a lower rate than the present, and cause the taxpayers to meet the collectors in their respective townships; also to amend, so as to provide for the election, by the qualified voters of the several counties in this State, a suitable person as county treasurer."

Mr. Finch moved to amend said instructions as follows:

"That the committee be instructed to amend, so as to make a specific per diem allowance to collectors and assessors, not exceeding three dollars per day, for their services;"

Which amendment to said instructions was not adopted.

On the question, Shall the instructions be adopted? It was decided in the negative.

Mr. Carlton of L., moved instructions to the committee, to strike out all that relates to the election of collectors;

Which motion was decided in the negative.

Mr. Hull moved instructions to the committee, "to amend the bill so as to provide for the election of an assessor of real estate; to make such an assessment but once in four years;"

Which instructions were not adopted.

The House now proceeded to the consideration of bills on their second reading.

No. 176, a bill to create the county of Benton, and for other purposes, was read a second time; when

Mr. Fitch presented the communication of George A. Spencer and others, on the subject of said county; which was laid upon the table.

No. 198, a bill concerning the estate of Benjamin F. Butts, was read a second time, and ordered to be engrossed for a third reading.

No. 199, a bill to provide for the re-appraisement of a school section in Lake county, was read a second time;

When Mr. Moore of O. moved to amend, by adding an additional section;

Which amendment was adopted.

The bill was then ordered to be engrossed for a third reading.

No. 200, a bill to provide for the erection of two bridges in the county of Orange, and for other purposes;

No. 211, a bill to provide for the election of an additional justice of the peace and constable, in Morgan township, in Harrison county.

No. 201, a bill to re-locate the seat of justice of Lake county;

No. 218, a bill to provide for the election of an additional justice of the peace and constable, in the township of Orange, in Noble county;

No. 220, a bill to make allowances to commissioners for extra services in Boone county;

No. 223, a bill to authorize the circuit court of Spencer county to hold an additional term;

No. 227, a bill to provide for a more uniform mode of doing township business in the county of Cass;

No. 229, a bill to provide for the election of a justice of the peace in Alquina, in Fayette county;

Were severally read a second time, and ordered to be engrossed for a third reading.

Engrossed bills of the Senate. to wit:

No. 38, a bill amendatory of an act entitled "an act regulating prisons and prison bounds;" approved Feb. 17, 1838;

No. 27, a bill to extend the time of payment to purchasers of school lands in Monroe county;

No. 41, a bill for the relief of Marion county;

No. 63, a bill in relation to the college funds in the counties of Gibson and Monroe,

Were severally read a second time, and ordered to a third reading.

No. 202, a bill of the House to incorporate the Washington Band of Musicians;

Was read a second time: and

On motion of Mr. Edmonson.

Referred to the committee on corporations.

No. 208, a bill of the House, to amend an act relative to crime and

punishment, approved February 10, 1831, was read a second time, when

On motion of Mr. Sweetser,

Said bill was committed to a committee of the whole House, and made the order of the day for to-morrow.

No. 217, a bill to amend an act, entitled "an act regulating the jurisdiction and duties of justices of the peace, was read a second time; when

Mr. Finch moved that the bill be indefinitely postponed.

And the ayes and noes being requested thereon by Messrs. Albertson and Herriman,

Those who voted in the affirmative were:

Mess.s. Allison, Beckett, Bell, Bowles, Burke, Butler, Carleton of F., Carlton of L., Cox, Davis, Dunn, Eccles, English, Everts, Finch, Fisher, Flint, Garrigus, Gardner, Haddon, Hamblen, Henley, Hunt of J., Jackson, Jenckes, Lee, Long, M'Cormack, M'Coy, M'Gaughey, Miller, Montgomery, Morgan, Nelson of B., Nelson of M., O'Neill, Parker, Rippey, Robinson of J., Robinson of Ripley, Rush, Southard, Spann, Thompson, Warriner, Wilson of M., and Woodard—47.

Those who voted in the negative were:

Messrs. Albertson, Atherton, Baker, Berkshire, Buckles, Campbell, Clark, Cogswell, Conaway, Cooper, Edmonson, Farley, Foster, Frisbie, Hamer, Herriman, Hull, Hunt of R., Jamison, Johnson, Jones, Lane, Lancaster, Milroy, Monroe, Moore of O., Moore of V., Morrison, Osborn of F., Osborn of U., Perviance, Porter, Robinson of Rush, Sands, Shiveley, Stewart, Sweetser, Wheeler, White, Worster, and Mr. Speaker—40.

So said bill was indefinitely postponed.

No. 221, a bill to amend an act regulating the mode of summoning and empannelling grand and petit jurors, as far as relates to the county of Owen, was read a second and third times—the rule being suspended—and passed.

Ordered, That the clerk inform the Senate thereof.

No. 222, a bill to amend an act, entitled "an act dividing the State into judicial circuits, and fixing the times for holding courts therein, and for other purposes; when

Mr. Robinson of J. moved to commit the bill to a select committee of one member of each of the counties composing the third and twelfth judicial circuits;

Which motion was decided in the affirmative.

Messrs. Robinson of J., Robinson of Ripley, Osborn of F., Jamison, Henley, English, Spann, Fisher, and Lane, were appointed said committee.

No. 225, a bill to incorporate the Kankakee Bridge company, and for other purposes, was read a second time; and

On motion of Mr. Fitch,

Referred to the committee on corporations.

No. 226, a bill to locate a State road in the county of White, was read a second time, and committed to the committee on roads.

No. 228, a bill declaring a county road therein named a State road, was read a second time; and

On motion of Mr. Finch,

Committed to the committee on roads.

No. 230, a bill to locate a State road from Monrovia, in Morgan county, to Mill Grove, in Owen county, was read a second time; and committed to the committee on roads.

No. 18, an engrossed bill of the Senate, for taking an enumeration of the white male inhabitants above the age of twenty-one years, in this State, was read a second, and passed to a third reading.

No. 23, an engrossed bill of the Senate, to amend an act concerning insane persons, approved 22d January, 1818, was read a second time; and

On motion of Mr. Robinson of J.,

Referred to the committee on the judiciary.

No. 44, an engrossed bill of the Senate, to amend an act, entitled "an act to incorporate the city of New Albany, and to repeal all laws in force incorporating the town of New Albany, approved February 14th, 1839, was read a second time; and

On motion of Mr. Herriman,

Referred to the committee on corporations.

Mr. Milroy moved to postpone the previous order of business, and take up bill of the House No. 134, to insure the leasing of certain water power therein named;

Which motion was decided in the affirmative.

Said bill was accordingly taken up; and

On motion,

Recommitted to the same select committee heretofore appointed on that subject.

No. 67, an engrossed bill of the Senate subjecting choses in action to the payment of judgments, was read a second time; when

Mr. Foster moved that said bill be laid upon the table;

Which motion was decided in the negative.

On motion,

The House adjourned until to-morrow morning at nine o'clock.

THURSDAY MORNING, JANUARY 30, 1840.

The House met pursuant to adjournment.

Mr. Burke, on leave granted, offered for adoption, the following resolution:

Resolved, That the Speaker of this House be requested not to respond to any member of this House, during the business hours thereof, unless said member be in his place.

On the question, shall said resolution be adopted? it was decided in the affirmative.

The following message was received from the Senate, by Mr. Test their Secretary—

MR. SPEAKER—

I am directed by the Senate to inform this House of Representatives, that the Senate has passed an engrossed bill of the House and joint resolution thereof, as follows, to wit:

No. 75, an act for the immediate relief of contractors, and others engaged on the Public Works; and

No. 5, a joint resolution instructing our Senators, and requesting our Representatives in Congress to procure the repeal of the duty on salt, each with sundry amendments in which the concurrence of the House is requested.

Also, the Senate has passed engrossed bills thereof as follows, viz:

No. 25, act in relation to the State House and for other purposes.

No. 40, an act to establish a State road therein named.

No. 78, an act preparatory to a general system of education in Indiana.

No. 108, an act for the relief of George Crawford and James R. McCord; and

No. 24, an act to amend the several acts regulating the practice at law.

In which the concurrence of the House is also respectfully requested.

Mr. Fitch presented the communication of R. H. Stewart, Heath and Tucker, and others, contractors on the public works, expressing their satisfaction, in regard to the bill for their relief, as amended in the Senate.

The House now proceeded to the consideration of the amendments made in the Senate, to bill of the House, No. 75, for the immediate relief of contractors and others engaged on the public works.

The first amendment made by the Senate, is in the following words, to wit:

"1st amendment 3d section, 3d line:

"Strike out the words, *"in two years from and after the date thereof;"*

and insert, "all of the denomination of five dollars in one year from the date thereof, and all of the denomination of fifty dollars in two from the date thereof."

On the question, shall said amendment be concurred in,
The ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Allison, Arnold, Atherton, Baker, Beckett, Bell, Berkshire, Buckles, Burke, Butler, Campbell, Carleton of F., Clark, Cogswell, Cooper, Cox, Cutter, Davis, Dunn, Eccles, Edmonson, Everts, Farley, Finch, Fitch, Flint, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamer, Hamblen, Herriman, Hull, Hunt of J., Hunt of R., Jackson, Jenckes, Johnson, Judah, Lane, Lancaster, Lee, Long, McCormack, McGaughey, Miller, Moore of V., Morgan, Morrison, Nelson of M., O'Neill, Osborn of F., Parker, Perry, Perviance, Porter, Rippey, Rush, Shiveley, Southard, Spann, Sweetser, Thompson, Warriner, Wilson of M., Wilson of W., Woodard and Zenor.—73.

Those who voted in the negative were:

Messrs. Bowles, Carlton of L., Conaway, English, Fisher, Henley, Jamison, Jones, Lanius, McCoy, Milroy, Montgomery, Moore of O., Nelson of B., Osborn of U., Robinson of J., Robinson of Ripley, Robinson of Rush, Sands, Stewart, White, Worster and Mr. Speaker —22.

So said amendment was concurred in by the House.

The second amendment was then concurred in.

The third amendment made by the Senate, is in the words following:

"3d amendment, 4th section 11th line," after the word "Legislature," insert, "or board of Internal Improvement."

Mr. Jones moved that the House refuse to concur in said amendment.

Mr. Long moved to concur in said third amendment, with an amendment, as follows, to wit:

"And that the Board of Internal Improvement shall limit their operations to not exceeding three of the lines⁷ of public works, exclusive of the Wabash and Erie canal, until otherwise directed by the Legislature, except so much as may be necessary to prevent the waste or dilapidation of work now commenced, and that State bonds shall not be sold for less than at par, and that for cash in hand or work done upon the works carried on."

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Allison, Arnold, Atherton, Baker, Berkshire, Bowles, Buckles, Burke, Cogswell, Cooper, Cox, Everts, Finch, Fitch,

Flint, Foster, Hamblen, Herriman, Hunt of J., Hunt of R., Jackson, Johnson, Judah, Lancaster, Long, Osborn of F., Parker, Perviance, Robinson of J., Shively, Spann, Sweetser, Thompson, Wilson of M., and Woodard—35.

Those who voted in the negative were:

Messrs. Albertson, Beckett, Bell, Butler, Campbell, Carleton of F., Carlton of L., Clark, Conaway, Davis, Dunn, Eccles, Edmonston, English, Farley, Fisher, Frisbie, Garrigus, Gardner, Haddon, Hamer, Henley, Hull, Jamison, Jenckes, Jones, Lane, Lanius, Lee, McCormack, McCoy, McGaughey, Miller, Milroy, Monroe, Montgomery, Moore of O., Moore of V., Morgan, Morrison, Nelson of B., Nelson of M., O'Neill, Osborn of U., Perry, Porter, Rippey, Robinson of Ripley, Robinson of Rush, Rush, Sands, Southard, Stewart, Warriner, Wheeler, White, Wilson of W., Worster, Zenor and Mr. Speaker—60.

So said amendment was not concurred in.

Mr. Hunt of J., moved the same amendmet offered by Mr. Long, with an amendment striking out the word "exclusive," and inserting the words "including," so that but three works shall progress *including* the Wabash and Erie canal.

And the ayes and noes being requested on said amendment,

Those who voted in the affirmative were:

Messrs. Allison, Arnold, Atherton, Baker, Berkshire, Burke, Cooper, Cox, Everts, Finch, Fitch, Foster, Hamblen, Hunt of J., Hunt of R., Jackson, Johnson, Judah, Lancaster, Long, Osborn of F., Parker, Perviance, Robinson of J., Shiveley, Spann, Sweetser, Wilson of M., and Woodard—29.

Those who voted in the negative were:

Messrs. Albertson, Beckett, Bell, Bowles, Buckles, Buttler, Campbell, Carleton of F., Carlton of L., Clark, Cogswell, Conaway, Davis, Dunn, Eccles, Edmonson, English, Farley, Fisher, Flint, Frisbie, Garrigus, Gardner, Haddon, Hamer, Henley, Herriman, Hull, Jamison, Jenckes, Jones, Lane, Lanius, Lee, McCormack, McCoy, McGaughey, Miller, Milroy, Monroe, Montgomery, Moore of O., Moore of V., Morgan, Morrison, Nelson of B., Nelson of M., O'Neill, Osborn of U., Perry, Porter, Rippey, Robinson of Ripley, Robinson of Rush, Rush, Sands, Southard, Stewart, Thompson, Wheeler, White, Wilson of W., Worster, Zenor and Mr. Speaker—65.

So said amendment was not adopted.

Mr. Moore of O., moved to amend the said third amendment of the Senate by adding the following thereto, to wit:

"And the Legislature shall say, what works shall be operated on

first and how much shall be left for each year hereafter,"

Which amendment was not adopted.

On the question, shall the said third amendment be concurred in?

The ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Allison, Arnold, Atherton, Baker, Bell, Berkshire, Buckles, Burke, Butler, Carleton of F., Cogswell, Cooper, Cox, Everts, Finch, Flint, Hamblen, Herriman, Hunt of J., Hunt of R., Jackson, Johnson, Judah, Lancaster, Lee, Long, McCormack, McGaughey, Nelson of M., O'Neill, Parker, Perviance, Rippey, Robinson of J., Rush, Shiveley, Spann, Sweetser, Thompson, Wilson of M., and Woodard—41.

Those who voted in the negative were:

Messrs. Alberston, Beckett, Bennett, Bowles, Campbell, Carlton of L., Clark, Conaway, Davis, Dunn, Eccles, Edmonson, English, Farley, Fisher, Fitch, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamer, Henley, Hull, Jamison, Jenckes, Jones, Lane, Lanius, McCoy, Miller, Milroy, Monroe, Montgomery, Moore of O., Moore of V., Morgan, Morrison, Nelson of B., Osborn of F., Osborn of U., Perry, Porter, Robinson of Ripley, Robinson of Rush, Sands, Southard, Stewart, Worster, Warriner, Wheeler, White, Wilson of W., Zenor, and Mr. Speaker—54.

So said amendment was not concurred in.

On motion,

The House adjourned until two o'clock P. M.

Two o'clock P. M.,

The House met pursuant to adjournment.

On motion of Mr. Jones,

The rule was suspended, and the House proceeded to the consideration of the amendments made by the Senate, to the bill of the House for the relief of contractors; which was under consideration when the House adjourned.

Mr. Jenckes moved to reconsider the vote taken on concurring in the third amendment of the Senate,

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Allison, Arnold, Atherton, Baker, Bell, Berkshire, Buckles,

Burke, Butler, Carleton of F., Cooper, Cox, Cutter, Everts, Finch, Flint, Hamer, Hamblen, Herriman, Hull, Hunt of J., Hunt of R., Jackson, Jenckes, Johnson, Judah, Lancaster, Lee, Long, McCormack, McGaughey, Nelson of M., O'Neill, Parker, Perviance, Porter, Rippey, Robinson of J., Shiveley, Spann, Sweetser, Thompson, Wilson of M., and Woodard—43.

Those who voted in the negative were:

Messrs. Albertson, Beckett, Bennett, Bowles, Campbell, Carlton of L., Clark, Coats Conaway, Davis, Dunn, Eccles, Edmonson, English, Farley, Fisher, Fitch, Foster, Frisbie, Garrigus, Gardner, Haddon, Henley Jamison, Jones, Lane, Lanius, McCoy, Miller, Milroy Monroe, Montgomery, Moore of O., Moore of V., Morgan, Nelson of B., Osborn of F., Osborn of U., Perry, Robinson of Ripley, Robinson of Rush, Rush, Sands, Southard, Stewart, Warriner, Wheeler, White, Wilson of W., Worster, Zenor and Mr. Speaker—51.

So said vote was not reconsidered.

The fourth amendment was then concurred in.

The fifth amendment of the Senate, is in the words following, to wit:

“Fifth amendment, fourth section, at the end of the same add the following:

“*Provided further*, That in the absence of the fund commissioners, it shall be the duty of the Treasurer of State to pay out said treasury notes under the provisions of this act; *Provided further*, That if any contractor shall consent to relinquish, that the Board of Internal Improvement be hereby authorized to pay him any damages he may sustain by such relinquishment, in the way of preparations for the prosecution of his contract; and to ascertain the amount of damages to be paid, it shall be the duty of the Board of Internal Improvement to select some person on behalf of the State, the contractor wishing to relinquish to choose another, and these two shall select a third man, which three shall constitute the board of assessment for that particular case, reserving the right to either party to appeal to the circuit court as heretofore provided by said law, in cases of damages, by the act providing for a general system of internal improvement: And provided further, That the contractors on the Wabash and Erie canal are exempt from the provisions aforesaid, but that it is hereby made the duty of the Board of Public Works to progress with that work, as fast as the same may be done with its own legitimate funds; and provided further, that nothing in this act contained shall authorize the Board of Improvement to use or appropriate the interest accruing from the sale of the Wabash and Erie canal lands heretofore sold, to the further prosecution of said work.

Mr. Carleton of F. moved to amend said fifth amendment of the Senate, by adding the following:

“And provided further, That Congress should, at its present session, confirm to the State of Indiana the title to those lands claimed

by said State, for the construction of thrt portion of the Wabash and Erie canal which lies between the mouth of Tippecanoe river and Terre Haute, it shall then be the duty of the Acting Commissioner on said line, to proceed, through the resident engineer, to the permanent location of that portion of the canal that is not yet permanently located, between the towns of Lafayette and Terre-Haute, and that until said confirmation is made, it shall be the duty of the fund commissioner or commissioners to keep separate accounts of money expended, on that portion of the Wabash and Erie canal, which lies east from that which lies west of the mouth of the Tippecanoe river.

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Allison, Arnold, Atherton, Baker, Beckett, Bell, Bowles, Buckles, Butler, Campbell, Carleton of F., Carlton of L., Clark, Cogswell, Cutter, Davis, Dunn, Eccles, Everts, Farley, Finch, Fisher, Fitch, Flint, Garrigus, Gardner, Haddon, Hamer, Hamblen, Hunt of J., Hunt of R., Jamison, Jenckes, Johnson, Lane, Lancaster, Lanius, Lee, Long, McCormack, McCoy, McGaughey, Miller, Milroy, Monroe, Montgomery, Moore of O., Moore of V., Morgan, Morrison, Nelson of B., Nelson of M., O'Neill, Osborn of F., Osborn of U., Parker, Perry, Purviance, Porter, Robinson of J., Robinson of Ripley, Robinson of Rush, Rush, Sands, Shiveley, Southard, Spann, Sweetser, Thompson, Warriner, Wheeler, White, Wilson of M., Wilson of W. Woodard and Worster—71.

Those who voted in the negative were:

Messrs. Albertson, Bennett, Berkshire, Burke, Coats, Conaway, Cooper, Cox, Edmonson, English, Foster, Frisbie, Henley, Herriman, Hull, Jackson, Jones, Judah, Rippey, Stewart, Zenor and Mr. Speaker—23.

So said amendment was adopted.

Mr. Henley moved to strike out of the 5th amendment the second proviso,

And the ayes and noes being requested thereon.

Those who voted in the affirmative were

Messrs. Albertson, Bennett, Berkshire, Bowles, Burke, Campbell, Carlton of L., Coats, Conaway, Davis, Dunn, Eccles, Edmonson, English, Everts, Farley, Fisher, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamblen, Henley, Hull, Hunt of R., Jamison, Johnson, Lanius, McCoy, Miller, Monroe, Montgomery, Moore of O., Moore of V., Morrison, Nelson of B., Osborn of U., Perry, Porter, Robinson of Ripley, Robinson of Rush, Sands, Shiveley, Southard, Stewart, Warriner, White, Worster, Zenor and Mr. Speaker—52.

Those who voted in the negative were:

Messrs. Allison, Arnold, Artherton, Baker, Beckett, Bell, Buckles, Butler, Carleton of F., Clark, Cogswell, Cooper, Cox, Cutter, Finch, Fitch, Flint, Hamer, Herriman, Hunt of J., Jenckes, Jones, Judah, Lane, Lancaster, Lee, Long, McCormack, M'Gaughey, Milroy, Morgan, Nelson of M., O'Neill, Osborn of F., Parker, Perviance, Rippey, Robinson of J., Rush, Spann Sweetser, Thompson, Wheeler, Wilson of M., Wilson of W. and Woodard—44.

So said second proviso was stricken out.

Mr. Fitch moved to insert instead of said second proviso, the following, to wit:

"To allow contractors any damages estimated by the acting engineer, which they may have sustained, by way of preparations for commencement of their contracts, said damages to be over and above any amount which they (contractors) may realize from sale of their improvements and tools."

And the ayes and noes being requested thereon.

Those who voted in the affirmative were:

Messrs. Albertson, Allison, Arnold, Artherton, Baker, Beckett, Bell, Berkshire, Bowles, Buckles, Burke, Butler, Carleton of F., Cogswell, Cooper, Cox, Davis, Eccles, Everts, Farley, Finch, Fitch, Flint, Hamblen, Herriman, Hunt of J., Jackson, Jenckes, Johnson, Jones, Judah, Lancaster, Lee, Long, M'Cormack, M'Gaughey, Milroy, Monroe, Montgomery, Morgan, Nelson of M., O'Neill, Osborn of F., Parker, Perviance, Porter, Rippey, Robinson of J., Robinson of Rush, Rush, Southard, Spann, Stewart, Sweetser, Thompson, Warriner, Wheeler, Wilson of M., and Woodard—90.

Those who voted in the negative were:

Messrs. Bennett, Campbell, Carlton of L., Clark, Coats, Conaway, Dunn, Edmonson, English, Fisher, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamer, Henley, Hull, Hunt of R., Jamison, Lane, Lanius, McCoy, Miller, Moore of O., Moore of V., Morrison, Nelson of B., Osborn of U. Perry, Robinson of Ripley, Sands, Shiveley, White, Wilson of W., Worster, Zenor and Mr. Speaker—36.

So said amendment was adopted.

Mr. English moved that the message from the Senate be laid upon the table.

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Allison, Carlton of L., Coats, Conaway, Edmonson, En-

glish, Fisher, Garrigus, Gardner, Haddon, Henley, Jamison, Lanius, McCoy, Moore of V., Osborn of U., Perry and Sands—18.

Those who voted in the negative were:

Messrs. Albertson, Arnold, Atherton, Baker, Beckett, Bell, Bennett, Berkshire, Bowles, Buckles, Burke, Butler, Campbell, Carleton of F., Clark, Cogswell, Cooper, Cox, Davis, Dunn, Eccles, Everts, Farley, Finch, Fitch, Flint, Foster, Frisbie, Hamer, Hamblen, Herriman, Hull, Hunt of J., Hunt of R., Jackson, Jenckes, Johnson, Jones, Judah, Lane, Lancaster, Lee, Long, McCormack, M'Gaughey, Miller, Milroy, Monroe, Montgomery, Moore of O., Morgan, Morrison, Nelson of B., Nelson of M., O'Neill, Osborn of F., Parker, Perviance, Porter, Rippey, Robinson of J., Robinson of R., Robinson of Rush, Rush, Shiveley, Southard, Stewart, Thompson, Warriner, Wheeler, White, Wilson of M., Wilson of W., Woodard, Worster, Zenor and Mr. Speaker—77.

So said message was not laid upon the table.

Mr. Eccles moved further to amend as follows:

“And provided further, that any contractor who has been transferred, under the modification act of the Legislature of this State, and paid for his time and expenses, shall not be allowed any damages under the provisions of this act.”

On the question, Shall said amendment be adopted? it was decided in the affirmative.

On the question, Shall the fifth amendment, as amended, be concurred in?

The ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Allison, Arnold, Atherton, Baker, Beckett, Bell, Berkshire, Bowles, Buckles, Campbell, Carleton of F., Clark, Cogswell, Cooper, Cox, Davis, Dunn, Eccles, Everts, Farley, Finch, Fitch, Flint, Foster, Gardner, Hamer, Hamblen, Herriman, Hull, Hunt of J., Hunt of R., Jackson, Jenckes, Johnson, Jones, Judah, Lane, Lancaster, Lee, Long, McCormack, Miller, Milroy, Monroe, Montgomery, Morgan, Nelson of M., O'Neill, Osborn of F., Parker, Perviance, Porter, Rippey, Robinson of J., Robinson of Rush, Rush, Shiveley, Southard, Spann, Stewart, Sweetser, Thompson, Warriner, Wheeler, Wilson of M. and Woodard—68.

Those who voted in the negative were:

Messrs. Bennett, Butler, Carlton of L., Coats, Conaway, Edmonson, English, Fisher, Frisbie, Garrigus, Haddon, Henley, Jamison, Lanius, McCoy, Moore of O., Moore of V., Morrison, Nelson of B., Osborn of U., Perry, Robinson of Ripley, Sands, White, Wilson of W., Worster, Zenor and Mr. Speaker—27.

So said amendment, as amended, was concurred in.

Mr. Robinson of J. moved to reconsider the vote just taken on concurring in the fifth amendment,
And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Allison, Arnold, Atherton, Baker, Beckett, Bell, Berkshire, Buckles, Burke, Butler, Carleton of F., Carlton of L., Cogswell, Cooper, Cox, Eccles, Edmonson, Everts, Farley, Finch, Fisher, Flint, Foster, Hamer, Hamblen, Herriman, Hull, Hunt of J., Jackson, Jenckes, Johnson, Jones, Judah, Lancaster, Lanius, Long, McCormack, McGaughey, Milroy, Monroe, Montgomery, Moore of O., Morgan, O'Neill, Osborn of F., Parker, Perviance, Porter, Rippey, Robinson of J., Rush, Shiveley, Southard, Sweetser, Thompson, Wheeler, Wilson of M., Woodard, Zenor and Mr. Speaker.—57.

Those who voted in the negative were:

Messrs. Bennett, Bowles, Campbell, Clark, Coats, Davis, Dunn, English, Fitch, Frisbie, Garrigus, Gardner, Haddon, Henley, Jamison, Lane, Lee, McCoy, Miller, Moore of V., Nelson of B., Nelson of M., Osborn of U., Perry, Robinson of Rippey, Robinson of Rush, Sands, Stewart, White, Wilson of W. and Worster—32.

So said vote was reconsidered.

Mr. Long now moved to reconsider the vote on the amendment offered by Mr. Eccles to the fifth amendment of the Senate.

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Allison, Arnold, Atherton, Baker, Beckett, Bell, Bennett, Berkshire, Burke, Butler, Carleton of F., Coats, Cogswell, Cooper, Cox, Eccles, Farley, Finch, Fitch, Flint, Foster, Hamblen, Herriman, Hull, Hunt of J., Hunt of R., Jackson, Jenckes, Johnson, Jones, Judah, Lancaster, Long, McCormack, McGaughey, Miller, Milroy, Monroe, Montgomery, Morgan, Nelson of M., O'Neill, Osborn of F., Parker, Perviance, Porter, Rippey, Robinson of J., Robinson of Rippey, Rush, Shiveley, Southard, Sweetser, Thompson, Wheeler, Wilson of M., Woodard and Zenor—59.

Those who voted in the negative were:

Messrs. Bowles, Buckles, Campbell, Carleton of L., Conaway, Davis, Dunn, Edmonson, Everts, Fisher, Frisbie, Garrigus, Gardner, Haddon, Henly, Lane, Lanius, Lee, McCoy, Moore of O., Moore of V., Nelson of B., Osborn of U., Perry, Robinson of Rush, Sands, Stewart, White, Wilson of W., Worster and Mr. Speaker—31.

So said vote was reconsidered.

Mr. Eccles now moved to modify his amendment, by adding at the end thereof the following words, "as far as the former contracts are concerned;" which was agreed to.

The amendment was then adopted.

Mr. Milroy moved further to amend the fifth amendment, as follows:

"After the word 'engineer,' insert 'or other person or persons that may be appointed by said Board, or that may hereafter be provided to be appointed by this Legislature, to assess such damages on some equitable plan, and in case no provision should be made as aforesaid by this Legislature, said Board shall adopt some equitable plan for assessing said damages;

On the question, Shall said amendment be adopted? it was decided in the negative.

The question again recurring on concurring in the fifth amendment of the Senate.

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Allison, Arnold, Atherton, Baker, Bell, Berkshire, Bowles, Buckles, Burke, Carleton of F., Clark, Cogswell, Cooper, Cox, Davis, Eccles, Everts, Farley, Finch, Fitch, Flint, Foster, Hamer, Hamblen, Herriman, Hull, Hunt of J., Hunt of R., Jackson, Jenckes, Johnson, Jones, Judah, Lancaster, Lee, Long, McCormack, Miller, Milroy, Monroe, Montgomery, Morgan, Nelson of M., O'Neill, Osborn of F., Parker, Perviance, Porter, Rippey, Robinson of J., Rush, Shiveley, Southard, Stewart, Warriner, Wilson of M. and Woodard--58.

Those who voted in the negative were:

Messrs. Bennett, Butler, Campbell, Carlton of L., Coats, Conaway, Dunn, Edmonson, English, Fisher, Frisbie, Garrigus, Gardner, Hadson, Henley, Jamison, Lane, Lanius, McCoy, Moore of O., Moore of V., Morrison, Nelson of B., Osborn of U., Perry, Robinson of Ripley, Sands, Sweetser, Thompson, White, Wilson of W., Worster, Zenor and Mr. Speaker--34.

So said amendment was concurred in.

The sixth amendment is as follows:

"Sixth amendment 5th sec. 6th line, strike out the words, "and all other claims in favor of the State," and the residue of the section, and insert,

"That is to say, said five dollar treasury notes shall be receivable for taxes in the year 1840, and the fifty dollar treasury notes shall be receivable in taxes in the year 1841: *Provided*, That any amount of said five dollar notes which may be outstanding after the expiration of the year 1840, and any amount of said fifty dollar treasury notes

which may be outstanding after the expiration of the year 1841, shall be receivable for taxes due the State, at any period thereafter: *And provided further*, That in case said debts and real estate cannot be converted into available funds for the redemption of the principal and interest of said treasury notes, then the fund commissioners shall sell bonds of State for the redemption of the same, so that said notes shall be promptly redeemed, at the expiration of the time they have to run; *And provided further*, That it shall be the duty of collectors, when receiving said treasury notes for revenue, to allow interest on the same, to the first of November, the year they may receive the same, and the treasurer of State shall allow the collector, on payment of such notes into the treasury, interest on the same to the same date."

Mr. Lane moved to amend said amendment, by inserting after the word "bonds," the words "at par, in cash," in reference to the sale of bonds.

And the ayes and noes being requested thereon.

Those who voted in the affirmative were:

Messrs. Albertson, Beckett, Bennett, Bowles, Campbell, Carlton of L., Clark, Coats, Cogswell, Conaway, Davis, Dunn, Eccles, Edmonson, English, Fitch, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamer, Henley, Jamison, Johnson, Jones, Lane, Lanius, Lee, McCoy, Miller, Montgomery, Moore of O., Moore of V., Morgan, Morrison, Nelson of B., Nelson of M., Osborn of U., Perry, Robinson of Ripley, Sands, Southard, Stewart, Sweetser, Warriner, White, Wilson of W., Worster, Zenor and Mr. Speaker—50.

Those who voted in the negative were:

Messrs. Allison, Arnold, Atherton, Baker, Bell, Berkshire, Buckles, Burke, Butler, Carleton of F., Cooper, Cox, Everts, Finch, Fisher, Flint, Hamblen, Herriman, Hull, Hunt of J., Hunt of R., Jackson, Jenckes, Judah, Lancaster, Long, McCormack, McGaughey, Milroy, O'Neill, Osborn of F., Parker, Perviance, Porter, Rippey, Robinson of J., Rush, Shiveley, Thompson, and Woodard—40.

So said amendment was adopted.

Mr. Morrison made the following report:

MR. SPEAKER—

The committee on enrolled bills, report that they have, this day, presented to the Governor for his approval and signature the following bill of the House, viz:

55h

No. 119, an act to fix the times of holding courts in the fifth judicial circuit.

A message from the Governor, by Mr. Moore, his private secretary.

MR. SPEAKER—

I am directed by the Governor to inform the House of Representatives, that he has this day approved and signed an act which originated in the House of Representatives, entitled:

“An act to fix the times of holding courts in the fifth judicial circuit.”

Mr. Morrison made the following report:

MR. SPEAKER—

The committee on enrolled bills report that they have compared the engrossed with the enrolled bills of the following titles, viz:

BILLS OF THE HOUSE.

No. 71, an act to amend an act entitled “an act to incorporate the New Harmony Working Men’s Institute for mutual instruction,” approved February 15th, 1839.

No. 56, an act to legalize certain acts of the Board doing county business in the county of Dubois.

BILLS AND JOINT RESOLUTIONS OF THE SENATE.

No. 68, an act to incorporate the Rockville Parke County Female Seminary.

No. 74, an act to incorporate “the Indiana General Baptist Seminary in the county of Vanderburgh.”

No. 83, a joint resolution for the relief of Peter Houston; and find the same correctly enrolled.

Whereupon,

The Speaker signed said bills and joint resolution.

Ordered, That the clerk inform the Senate thereof.

On motion,

The House adjourned until to-morrow morning at nine o’clock.

FRIDAY MORNING, JANUARY 31, 1840.

The House met pursuant to adjournment.

Mr. Albertson, on leave granted, introduced the following resolution:

Resolved, That this House will, during the remainder of the present session, meet at half past eight o'clock, A. M., and at half past one o'clock, P. M.

Mr. Cutter moved to amend the resolution, by striking out "half past eight o'clock," and inserting "six o'clock."

Mr. Moore of O., moved to amend the amendment, by striking out "six o'clock," and inserting "nine o'clock."

Mr. Bowles moved to lay the resolution and proposed amendments upon the table,

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Atherton, Bell, Berkshire, Bowles, Buckles, Butler, Campbell, Carleton of F., Clark, Cox, Eccles, Everts, Finch, Fisher, Flint, Garrigus, Gardner, Hunt of R., Jenckes, Judah, Lane, Lanius, Long, McCormack, McGaughey, Milroy, Mouroe, Moore of V., Morgan, Nelson of B., Nelson of M., O'Neill, Rippey, Robinson of J., Sands, Spann, Thompson, White, Wilson of M. Wilson of W. and Mr. Speaker—40.

Those who voted in the negative were:

Messrs. Albertson, Arnold, Baker, Beckett, Bennett, Burke, Carlton of L., Coats, Cooper, Cutter, Davis, Dunn, Edmonson, English, Farley, Fitch, Foster, Frisbie, Haddon, Hamer, Hamblen, Henley, Herriman, Hull, Hunt of J., Jackson, Jamison, Jones, Lancaster, Lee, McCoy, Miller, Montgomery, Moore of O., Morrison, Osborn of F., Osborn of U., Parker, Perry, Perviance, Porter, Robinson of Ripley, Robinson of Rush, Rush, Shiveley, Southard, Stewart, Warriner, Woodard, Worster and Zenor—51.

Mr. Bell moved that the bill and amendments be indefinitely postponed;

Which motion was decided in the affirmative.

Mr. Sweetser presented the petition of George M'Colley and others, praying further time to make payment to the Treasurer of State, of money borrowed, under a law of the last General Assembly;

Which was referred to the committee of ways and means.

Mr. Jones presented the petition of William M. Hammond and others, praying for a change in the law replevying judgments;

Which was referred to the committee on the judiciary.

Mr. Wilson of M. presented the petition of J. B. Johnson, praying for relief;

Which was referred to the committee on claims.

Mr. Monroe presented the petition of John Seals, Henry Ashen, and others, praying for an alteration in the revenue law;

Which was referred to the committee of ways and means.

* Mr. Monroe also presented the petition of George K. Porter and others, on the same subject;

Which was referred to the same committee.

Mr. Lane presented the petition of Joseph W. Waldorf, praying for relief for losses sustained in the construction of the White Water canal;

Which was referred to the committee of ways and means.

Mr. Robinson of J., presented the petition of J. G. Marshal, counsel for E. M. Beckwith, in relation to the law passed at the present session, on the subject of domestic attachments;

Which was referred to the committee on the judiciary.

Mr. Johnson presented the remonstrance of Thomas Lupton and others, against the vacation of the continuation of a certain street in the town of Indianapolis;

Which was referred to the committee on the affairs of the town of Indianapolis.

Mr. Foster presented the petition of James B. Hart and others, praying for a State road from Philadelphia, in Hancock county, in a southerly direction to the Michigan road, in Shelby county;

Which was referred to a select committee of Messrs. Foster, Coats and McCoy.

Mr. Morgan presented a remonstrance of John Walker and others, against the vacation of a certain State road;

Which was referred to the same select committee heretofore appointed on that subject.

Mr. Shiveley presented the petition of John Layman and others, on the subject of a State road;

Which was referred to the committee on roads.

Mr. Flint presented the petition of H. Kelsey and others praying that Lordoska Kelly be divorced from her husband, John Kelly;

Which was referred to the committee on the judiciary.

Mr. Perry presented the petition of Abraham Ferris and others, praying the passage of a special law for Dearborn county, imposing a tax of not less than five dollars, upon each dog, more than one to a family;

Which was referred to the delegation from Dearborn county.

Mr. McGaughey moved to dispense with the previous orders of business and take up bill No. 205, to postpone the February term of the probate court of Putnam;

Which motion was decided in the affirmative.

Said bill was read a second and third times, the rule being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Eccles made the following report:

MR. SPEAKER—

The judiciary committee, to whom was referred the bill No. 188, on the subject of amending the law regulating the doing county business in the several counties in this State, approved February 17th, 1838, have had the same under consideration, and have directed me to report the bill back to the House without amendment, and recommend its passage.

Said bill was ordered to be engrossed for a third reading.

Mr. Finch made the following report:

MR. SPEAKER—

The judiciary committee, to whom was referred the petition of Robert Wilkinson and others, citizens of the town of Black Hawk, in Shelby county, praying the incorporation of said town and authority to elect an additional justice of the peace in Jackson township, in said county; and the remonstrance of J. B. Lucas and forty-three others, against the prayer of the petition; have directed me to ask to be discharged from the farther consideration thereof.

The report was concurred in, and the committee discharged accordingly.

Mr. Parker made the following report:

MR. SPEAKER—

The committee on the judiciary, according to order, have had under consideration the petition of sundry citizens of St. Joseph county, praying that articles of impeachment may be preferred against James Hutchens, a justice of that county, for malfeasance in office; and have instructed me to report, that they have had presented to them official information from the clerk of said county, given under the seal of the circuit court thereof, as will be seen by the accompanying certificate, that said justice of the peace did, on the 21st day of January, 1840, duly resign his office as such justice; they therefore deem further action in the premises inexpedient, and ask to be discharged from further consideration of the case.

The report was concurred in, and the committee discharged accordingly.

Mr. Robinson of J. from the judiciary committee, to whom the subject was referred, reported

No. 239, a bill for the relief of Loyd Wedding;

Which was read a first time and passed to a second reading.

Mr. Robinson of J. made the following report:

MR. SPEAKER-

The committee on the Judiciary, to whom was referred a resolution of the House, instructing them to report their opinion, whether power can be delegated to corporations to enforce their by-laws, or penalties for breaches of their charters, by action of debt, have had the same under consideration, according to order, and have directed me to make the following

REPORT:

The powers vested in the Legislature of this State, unlike those delegated to Congress, are plenary, and extend to all cases, unless restricted by the Constitution. The only provision of the Constitution of the State, which, it is apprehended, can have the least bearing on the subject, is that part of the 12th section of its first article, which provides that no person "shall be put to answer any criminal charge, except by presentment, indictment or impeachment." It may be supposed that this comprehends such offences as incorporated towns are usually authorized to punish, by suing in an action of debt, to recover their penalties attached to their commission. But the fallacy of this hypothesis will be evident, by glancing at the different character of those offences, and such as are alluded to in the Constitution. The first are usually petty misdemeanors, breaches of the peace, and other violations of the good order of cities or towns, which they must be empowered to punish, in order to accomplish the purposes of their incorporation. The words "criminal charge" import, the accusation of a crime, preferred in the form and manner prescribed by law. What is a crime? According to the most approved legal and lexicographical definitions, it is an act, which is evil in itself, and not made so by the injurious consequences resulting therefrom to any particular community; an offence against the laws of God or man, or some rule of duty plainly inferrible from them; a violation of those eternal rules of right which result from the nature of man, and the relations and objects of human society, which existed before the formation of government, which are recognized as binding by all civilized nations, and may not unaptly be styled the Common Law of the universe. In other words, it denotes a violation of a public law of atrocious character; such as treason, murder, robbery, arson, &c. At common law, the indictability of an act was, to some extent, the test of its criminality; and accordingly it was held, that no act was indictable, except a public wrong, whose evil effects extended to the whole community, and not to any particular portion of it. But it does not follow, that all indictable offences are considered as crimes. They must be such, as, either from their character, consequences, or punishment, are regarded as infamous by the common sense of mankind. This may be abundantly proved by a single illustration. Any words, which impute to a person the commission of a crime punishable by the courts, are slan-

derous in themselves, and actionable accordingly. But it has been decided by some of the ablest judicial tribunals, and those decisions, it is believed, are unquestionable, that this does not extend to all offences punishable by indictment or presentment; but only to such as are stigmatized as infamous. So long, then, as no power is delegated to corporation to punish crimes, such as they are described in the above definitions and illustrations, it is presumed, that there can be no doubt of the rightfulness or propriety of the legislative exercise of the power in question,

Nor must it be inferred from this, that corporations are excluded from exercising jurisdiction over certain offences, because they are made punishable by indictment. They may punish them if they violate their charters, or such by-laws, not contravening their charters, or the laws of the land, and do not amount to such flagrant outrages, as merge the wrongs done to any member or portion of the community in the wrongs inflicted on all its parts and members collectively. When such instances occur, the offender may be punished at the suit of the corporation for the injury it has sustained, and where the offence is also indictable, he may be punished at the suit of the State, for the injury done the State. Thus by the 47th section of the act regulating roads and highways, any person obstructing any road or highway, may be punished by a fine of ten dollars, on suit brought by the supervisor of the district and yet, under the act relative to crime and punishment, he may be indicted for the nuisance, at the suit of the State. So in the case of an individual retailing liquor within the limits of an incorporated town, without having first obtained a license, as prescribed by the charter or by-laws of the town, or a license from the county authorities, he may be punished, both at the suit of the town, and the State. Instances of the kind might be multiplied, but it is deemed unnecessary. The committee are of opinion, that there is no more injustice or impropriety in thus making a man amenable to two jurisdictions for one and the same act, than there is in allowing one guilty of an assault and battery, or a nuisance, to be sued for damages by the party injured, after he has been indicted for the same offence. The reasoning which justifies and legalizes the one, will apply with equal force to the other. Nor will the establishment and operation of this principle conflict with that provision of the Constitution, which declares the accused, in all prosecutions by indictment or presentment, shall have a speedy public trial, by an impartial jury of the county, or district in which the offence shall have been committed; and shall not be compelled to give evidence against himself, and shall not be twice put in jeopardy for the same offence. Without resting on the argument, which appears obvious, from the context of the section in which this provision is contained, that it relates only to prosecutions by indictment, or presentment, and consequently, is confined to the case of a person being twice punished by a prosecution by presentment or indictment for the same offence against the State. It may be observed, that the meaning of the phrase "put in jeopardy" will be manifest by reference to the fifth

article of the amendment to the Constitution of the United States, which says, "nor shall any person be subject, for the same offence, to be twice put in jeopardy of life or limb." From this it clearly appears, that the prohibition of a second prosecution by the United States, is limited to such cases as in their punishment involve the risk of life or limb. And it is worthy of remark, that in such instances, the enormity of the public wrong overshadows the individual injury, and the criminal is amenable only to his country, without affording personal redress, either in damages or otherwise, to the unfortunate instrument, through which the outrage was inflicted on the community. This may afford us some assistance in ascertaining the meaning of the language used by the framers of the Constitution in the two sections, which have been quoted above, and show with what reason the committee have given them this construction, and have limited the prohibition of twice putting in jeopardy for the same offence, to prosecutions at the suit of the State alone. To understand it in any other sense, would involve the absurdity of making a judgment in a civil action for assault and battery a bar to a subsequent indictment for the same offence, or construe a conviction on an indictment in a similar case, into a prohibition to an action for damages by the party injured, lest the defendant should be "twice put in jeopardy for the same offence." And it is conceived, that an individual is no more put in jeopardy, by an action of debt at the suit of a corporation, for a fine or penalty incurred by the violation of its ordinances, in the commission of an offence, which is also indictable, than a defendant in a civil suit, in the instance mentioned above.

If every other reason should fail, an ample argument might be drawn from the necessity of the case, an argument which, in certain cases, is recognized as conclusive, both by jurists and logicians. To deny to the Legislature the right to delegate this power, would in effect deprive them of the right to grant the charters of incorporation at all. For it would be nugatory, to create a corporation, without giving it the means of self preservation. Every government, no matter how created, whether of a State or a town, must have the means of punishing infractions of its laws. To take from it this power, and vest it in another jurisdiction, would place it under the control of that jurisdiction. And it is certain, that the Legislature cannot establish a corporation, and at the same or any subsequent time, deprive it of this power. Every law, in the nature of a grant of power to individuals or communities, carries with it, as an inseparable incident, the right to use all the means necessary and proper, for the use and enjoyment of the power conferred. Every corporation has the right, whether granted or not, to pass such by-laws as it may think proper, not inconsistent with its charter, or the laws of the land, and sue for, in the action of debt, the penalties annexed to their violation. On this point, all the legal authorities agree.

The Constitutions of nearly all the States contain provisions similar in spirit, and almost identical in expression, with the one quoted at the commencement of this Report. In all of them, it is believed this

power has been granted. And yet, after diligent research, the committee cannot find that it has ever been denied. This furnishes an almost irresistible argument, in support of the positions assumed.

It has been contended by some, that to make a charter constitutional, the fines imposed under it must be appropriated as directed by the third section of the ninth article of the Constitution, which applies to "all fines assessed for any breach of the penal laws," for the benefit of county seminaries. After a careful examination, the committee are convinced, that this opinion is incorrect. The term "penal laws," as here used, clearly indicates such penal laws as are enacted by the General Assembly of the State, and not such by-laws or ordinances as may be passed by a corporation for its good government.

With these views, the committee concur in giving an affirmative response to the inquiry proposed by the resolution.

Said report was laid upon the table and five hundred copies ordered to be printed.

Mr. Robinson of J. made the following report:

MR. SPEAKER—

The committee on the judiciary to whom was referred a resolution of the House, instructing them to inquire into the expediency of amending the practice act, so as to authorize under proper limitations and provisions, the entry of judgments by confession in the office of the clerk of the circuit courts in vacation, have had the same under consideration according to order, and have directed me to report that it is inexpedient to legislate on the subject, and ask to be discharged from the further consideration thereof.

The report was concurred in and the committee discharged accordingly.

Mr. Farley made the following report:

MR. SPEAKER—

The committee on claims to whom was referred a bill of the Senate No. 94, for the relief of Phebe Clymer, have had the same under consideration, and have directed me to report the same back to the House with an amendment;

Which was concurred in and the amendment ordered to be engrossed, and, with the bill, read a third time on to-morrow.

Mr. Farley made the following report:

MR. SPEAKER—

The committee on claims to whom was referred the petition of Ma-

ry M. Holliday and others, have, according to order, had the same under consideration, and have directed me to report the following bill, to wit:

No. 210, a bill for the relief of Mary M. Holliday;

Which was read a first time and passed to a second reading.

Mr. Morgan made the following report:

MR. SPEAKER—

The committee on roads to whom was referred the petition of Nathan Brewer and others, praying for the location of a State road from Hagerstown in Wayne county to Camden in Jay county, have had the same under consideration and directed me to report the following bill, in accordance with the prayer of the petitioners, to wit:

No. 211, a bill for the location of a State road from Hagerstown to Camden;

Which was read a second time; when

Mr. Hunt of R. moved that said bill be rejected;

Which motion was decided in the negative.

The bill then passed to a second reading.

Mr. Southard made the following report:

MR. SPEAKER—

The committee on canals and internal improvements, to whom was referred the petition of G. W. Kimble and others, praying that the heirs of William Dewees, be indemnified for lands, &c., destroyed by the White Water canal, in the county of Franklin, have had the same under consideration, and have directed me to report the same back to the House, and ask to be discharged from the further consideration thereof.

The committee was discharged accordingly.

On motion of Mr. Osborn of F.,

Was laid on the table.

Mr. Thompson, from the committee on agriculture, made the following report:

MR. SPEAKER—

The committee on agriculture, to whom was referred sundry resolutions on the subject of agriculture, have had the same under consideration, and have directed me to make the following report, accompanied with three bills for the encouragement of agriculture; all of which are respectfully submitted.

The committee on agriculture, having been instructed by a resolu-

tion of this House to report a bill providing for some efficient mode of encouraging the manufacture of salt, iron, silk, and sugar from the sugar beet; and to inquire into the expediency of establishing an agricultural school, or college, for the benefit of this State, in which the science, combined with the practice of agriculture, shall be taught; also having had that part of the Governor's message relating to the State Geologist, and the following resolutions referred to them:

Resolved, 1. That agriculture, in its various departments, is the paramount interest of the State of Indiana.

2. That it has been greatly improved by legislative aid in other States, and the same can be done in Indiana.

3. That the revenue of Indiana is derived chiefly from the farmer, and therefore they have a right to direct the appropriation of it in part to the promotion of their especial interests, and the more, because their prosperity is the basis of the prosperity of all other classes of community. That the committee on agriculture be instructed to inquire into the expediency of introducing a bill or bills, for the consummation of this important object. Also several petitions and memorials, praying for a bounty on silk raised within this State.

Your committee have had these instructions and references under consideration, and beg leave to

REPORT:

That during their deliberations, in reviewing the efforts that have heretofore been made on these subjects, and in taking into consideration the present condition of our State, and its present relations with other States and countries, they have found much for serious contemplation. That however much some may have felt, however important these interests may have been considered by many, their magnitude has never been appreciated, either by the great majority of our citizens, or by a majority of their representatives.

The relative positions of the New and the Old Worlds have been greatly changed within the last quarter of a century, through the onward march of the human mind, and the consequent increase of enterprise in civilized man. The aid of science, in various parts, has been made to contribute in the production of necessities for the supply of the wants and necessities of the human family.

No more is the roll of the drum—no more is the spirit-stirring notes of the shrill-tongued trumpet heard on the continent, rallying millions in martial array. No more are the strong arms of these millions employed in wielding the burnished steel, or in the construction of machines to propel the winged messenger of death through the ranks of their fellow beings, marshalled in battle array against them. Instead of bloody contests of brutal force, a golden age has arrived, when *reason*, not *violence*, presides as the arbiter of nations. No sooner have national differences assumed a sanguinary aspect, or armies been about to come into collision, than a messenger from some friendly pow-

er has arrived, charged by his country with the heaven-blessed mission of peace maker.

Encouraged by the countenance and munificence of their governments, the ingenuity, industry, and enterprise of the subjects of these governments have been stimulated, and aided in the improvement of their agriculture and their manufactures, and those great national interests, brought to form a grand basis for commercial transactions, calculated to insure not only individual competence, but national wealth and general prosperity. These results have been brought about by legislative encouragement to national industry. Nor is the influence of these results confined to the Eastern Hemisphere. So vast has been its changes, that its influence bears upon the whole civilized world. This change is so great, that the improvement in machinery in Great Britain alone has been such, that with the machines she now has, she can manufacture more wares than she could have done forty years ago, with the machines she then had, by the employment of four hundred millions of operatives. In addition to this, by the introduction of steam engines on board of ships navigating the ocean, Europe, as well as Britain, with all their improvements in agriculture and manufactures, can have access to the American Atlantic markets in a much shorter space of time, and at a less expense, than can Indiana, with the natural barriers that now intervene.

The citizens of our eastern States are ever awake to their local interests. Whether from a desire to place themselves in an attitude to meet this foreign competition, or to meet that from the rich valley of the Ohio, the Wabash and the Mississippi, with which they are apprised they will have to contend, at an earlier or a later period; or to meet both these sources of rivalry, it is no matter. They have wisely called into requisition all their energies to draw forth and lay under contribution all the dormant resources, and to improve all the natural advantages with which they are blessed.

Through agricultural societies, periodicals, legislative bounties, experimental farms, agricultural surveys, fairs, &c. &c., domestic industry has been stimulated and encouraged, and brought to act efficiently in the promotion of the common interest. Nor has this spirit been confined to the agricultural branches alone. The mechanic arts have been fostered. We draw many of our agricultural implements, as well as most articles of our wearing apparel and tools for carrying on the few work shops we have, from the eastern and middle States, while we are dependent upon foreign countries for our finer kinds of apparel. Thus dependent upon foreign sources for all our supplies, is it reasonable to suppose we can prosper with our wretched system of farming? And with the natural barriers to the transportation of our scanty supplies, which render us unable to meet either domestic or foreign competition, how is it to be expected we can meet the vast demands for all our importations, and pay into the national treasury at the rate of eight millions of dollars in five years, for the purchase of public lands, to say nothing of the interest on our State loans? It is impossible. What then is to be done? Shall we rely

upon banking operations for the *creation of values*! Such was never the design of banking institutions. Shall we resort to foreign loans? If it were in our power to negotiate further loans, they would only add to our burden. Shall we abandon our internal improvements? They have never operated as a drain upon our circulating medium. Millions have been expended in their construction, which have vanished from our grasp. Where are *these millions*, and those other millions of dollars which have been brought into our State by emigrants, for our exports, &c. &c.? Let our immense importations of manufactured articles, and our enormous purchases of public lands answer.

That the domestic economy of this commonwealth is radically wrong, the present depressed state of commerce and of our finances fully establishes. With evidences of abundant supplies at enormous prices, with inexhaustible beds of iron ore, we import nearly all we consume. With the best soil and climate for the production of the sugar beet, we import a greater portion of the immense amount we consume; and here, where the mulberry can be cultivated in perfection, we send abroad hundreds of thousands of dollars annually for the convenient and now almost indispensable article of silk. For these articles alone, many millions are drained from our State yearly, to say nothing of the common kinds of manufactured articles that enter into the list of our daily consumption, and turn the balance of trade so largely against us.

With this view of the condition occupied by Indiana towards her sister States and foreign dominions, as well as the present condition of her internal affairs, your committee conceive that the time has fully arrived, and now is, when that clause of the constitution which provides that "The General Assembly *shall*, from time to time, pass such laws as shall be calculated to encourage intellectual, scientific, and agricultural improvements, by allowing rewards and immunities for the promotion and improvement in arts, science, commerce, manufactures, and natural history; and to countenance and encourage the principles of humanity, industry and morality," is imperatively binding upon this General Assembly to act decidedly and efficiently.

Your committee are not ignorant of the fact, that some who conceive the word *economy* merely imports that niggardly principle which actuates the miser, and prevents him from providing the necessary raiment and subsistence for his body, are opposed to legislating on these subjects—that some in their zeal to guard the treasury, have urged that their constituents were not prepared to sanction such appropriations. But it must be conceded that the farming and manufacturing classes, compose the great majority; and that they are the greatest consumers of salt, iron, &c. &c. It therefore seems inconsistent to urge, that while they cheerfully pay their proportion of taxes to sustain such measures as tend to benefit the commercial and other interests of the State, they should be opposed to permitting the merchant, the lawyer, the doctor, and the speculator to pay their proportion of a tax to benefit the agricultural and manufacturing interests.

Another objection has been urged, that if the manufacturing of salt and iron would be *profitable*, this is a sufficient inducement to individuals to enter upon their production without the further inducement of legislative action and encouragement." However plausible, this objection will not bear the test of scrutiny. Many enterprises may be undertaken, unprofitable to the individuals who may embark in them, which are yet profitable to the State. In few or no instances does this more frequently occur than in the production of iron and salt. The amount of capital necessary to be invested to secure successful prosecution of the manufacture of either of these indispensable articles of consumption, often prevents enterprising individuals from undertaking; while the certainty of a ruinous sacrifice, and of public ridicule consequent upon a failure, are strong persuasives against entering upon such operations.

Indeed it is deeply to be regretted that the profits upon land and commercial speculations have been such as to render other enterprises, especially manufacturing, less attractive, and less reputable in the opinion of many, than they should have been.

The absence of any statistics from which your committee can ascertain the amount of our importations; renders it impracticable to make exact estimates; but it is quite certain, that there are not less than three hundred and fifty thousand barrels of salt imported into Indiana annually—this at the average value of five dollars per barrel amounts to *one million seven hundred and fifty thousand dollars*; a large amount to be sent abroad annually for only *one* article of consumption; but large as this estimate is, it no doubt falls far short of the reality. It is an article however that we cannot do without, and something ought to be done to encourage these patriotic citizens, who have made a beginning in the production of that article, or it is possible this tribute will have to be paid by Indiana to her sister states for many years to come.

There are abundant evidences that salt water can be had in abundance within our State, and already in the region of Coal Creek, Salt Creek, and the Big Vermillion, salt of a good quality is manufactured. But the want of capital in some instances, and the fact that this article is now furnished by monopolizing companies, possessed of sufficient capital to regulate the market for this article as they please, rendered it impossible for some and hazardous for all who do not possess equally large capitals, to make large investments in its manufacture; for should they make large investments, the combinations that now monopolize this trade, and often extort from the citizens of Indiana the enormous price of two dollars per bushel might find it their *interest* for a season or two to furnish salt at so low a price as to have a ruinous effect upon our own manufactures.

Iron is another indispensable article. It is imported into our State, taken in all its forms, to a much greater amount than the above estimate. Mishawaka, in St. Joseph county, near Clinton in Vermillion county, and in Rochester, Fulton county, the manufacture of iron is already commenced. Sales of that article have been already

made at some of these works at forty five dollars per ton. Here is a balance of one hundred per cent. in favor of manufacturing a home supply. But this is not all—our State abounds in iron ore, forests, coal banks and water falls. While these remain unoccupied, and while we import our supplies, these resources profit us nothing. Yet we are paying others for their iron ore, the fuel and machinery, used in draining it from the ore, as well as the water or steam power, the labor employed, and an interest on the capital invested and a round profit upon the whole, in addition to a high price for transportation from the place where it is manufactured, to the store in our own State where it is retailed. By bringing into action our own resources all this is saved to our own citizens; and the sums that are now paid to foreigners, would soon enable our persevering artists to shake off those shackles which have bound them down for years, and by the application of their industry and ingenuity to the construction of labor saving machines, to prepare the products of our soil, to clothe our whole population as well as to convert the iron produced from our own ore, into all the implements of husbandry and of art necessary for our domestic purposes.

“The letter of Mr. Judson, member of Congress, to Mr. Adams, as chairman of the committee on manufactures, is a valuable document not only as exhibiting the importance of the silk business as a branch of national industry; but also showing the progress already made in this new and we believe most profitable investment of labor and capital in this country. In one respect the silk business is different from most others, it requires little or no money for its introduction into families; and experience in France and Italy, conclusively proves that it is carried on with the least care and the greatest profit. Unlike other farming pursuits, the silk business is best managed by females and children, and the labor of a few weeks only is required to convert the mulberry leaves into an article fit for market, and commanding a price of ample remuneration.” The importance of the silk manufacture to us may be inferred from the fact ascertained by a reference to the collectors returns, that the importation of silk during the year ending on the 30th Sept. 1836, amounted to \$22,897,684. This sum saved to the people of these United States; as it might be by home manufacture, would have in a great measure prevented that rude commercial shock which is crushing the prosperity of the principle cities to the dust. Silk goods we must have. Their cheapness, durability and beauty all conspire to render them one of the necessities now, as they formerly were one of the luxuries of life; and the demand is rapidly increasing. Would it not be policy to retain part or the whole of this sum at home?

Your committee are well aware that political demagogues and croakers, who are unwilling to discourse on any thing but the exchanges on New York and London, are disposed to discourage and ridicule the idea of raising silk in America, and denounce it as one of the humbugs of the day. But similar individuals have discouraged every im-

portant enterprise that has been undertaken by the American people. The great New York canal was denounced as the "big ditch."

"Dewit Clinton, its projector was for a time sacrificed for using the judgment of a statesman instead of that of a politician; but that "big ditch" has rendered his name immortal, and added millions to the value of the property of the empire State.

In 1737, the first half bushel of rice was introduced into South Carolina at which time the idea of its ever becoming a staple article was considered altogether chimerical. It too was denounced as one of the humbugs of the day; but what are the facts? in 1838, after supplying the home demand which is very great, largely upwards of two millions and a quarter of dollars worth was exported. Still more striking is the history of cotton. In 1798 it was first mentioned in Congress (by a member from South Carolina) as an article worthy of encouragement and likely to become a great staple—that too was denounced as a great humbug by those who were selling the most flimsy French muslin at from 50 to 75 cents per yard, yet in less than forty years it has in a single year furnished \$63,240,100 worth for exportation, besides the immense amount consumed by our own factories—being more than sixty per cent. of the entire exports of the United States for 1837.

Your committee are clearly of the opinion that if the silk culture is fostered as it ought to be, that in less time than we have named, its products will equal that of cotton.

Several of our sister States have already offered liberal premiums for the encouragement of the production of silk within their borders, with the hope of laying a foundation for a new staple, which will give employment to the weaker part of their population and add much to their wealth.

The State of Massachusetts pays a premium equal to \$2 on every pound of reeled silk produced within her limits. Vermont pays \$1 50 for every pound of silk grown within her borders. Pennsylvania pays twenty cents per pound on all cocoons and fifty cents for reeled silk grown within that State, which is equal to \$2 50 per pound for reeled silk. Delaware gives fifty cents per pound for all cocoons grown in that State, which is equal to \$1 50 for reeled silk. Ohio gives ten cents per pound for cocoons grown in that State, and Georgia more liberal than any of her sister States, passed a law last winter granting fifty cents per pound on all cocoons grown within that State and ten cents on reeled silk, equal to \$5 per pound for reeled silk. Will Indiana refuse encouragement to an enterprise that promises so fair to enrich her citizens and increase her own resources? The following extract from an address delivered before the American Silk Society, in the hall of the House of Representatives at Washington City, on the 12th December 1839, by the Rev. D. V. McClean, clearly proves that silk may be grown at a profit in the United States. "Experiments have been made in various sections of our country during the last few years, expressly with a view to test the profits of this

business, and feeling obliged, as I do, to believe the statements of gentlemen who have made such experiment, my only surprise has been that the result has shown such *large* profits. I could name experiments made in Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia and Ohio; but they are familiar to all, and they all go to prove that silk can be produced so as to yield a *very large profit*.

But on this subject I have *other evidence still*, that silk can be produced in our country, notwithstanding the high price of labor, to a large profit—evidence which, to me at least is *perfect demonstration*. I have actually produced it myself to a large profit. Last year I actually produced silk at the rate of \$140 per acre. This year valuing the raw silk at \$4 50 per pound I produced at the rate of \$108 per acre; or valuing it \$6 per pound, at the rate of \$180 per acre. The gross product this year was 520 lbs. of cocoons or 48 lbs. reeled silk, the cost of producing which is \$2 50 per pound, or the value of one male and two female hands, twelve weeks each, which valuing the silk as above, leaves the minimum profit \$108 per acre. Now in this I know there is no mistake. *Here, sir, before you is the silk—it will speak for itself*. Nor was my knowledge or facilities and advantages greater than what is possessed by *any and every* member of the community. I am perfectly persuaded every prudent man may realize the same.”

* * * * *

“Do I mistake the signs of the times, when I predict, as I have publicly done, the speedy and triumphant success of the silk culture in our beloved country. You and your associates, sir, may have opposition. A thousand foreigners may point at you, and a thousand tongues may exclaim, “What do these feeble Jews?” But wiser counsel *will* prevail in your halls of legislation; then clamors will *die*, faint and fainter still will they grow, as year after year bales of silk shall count by hundreds and by thousands, until all the clamor of opposition is hushed to peace, and the voice of the croaker is heard no more.

Sir, to my mind the prospect before us is bright with promise. I look forward but a little, and my fondest hopes are more than realized. I behold this single product flowing to all our ports through a thousand channels, and peace and plenty prevailing in all our borders, second only to cotton in the magnitude of its results.”

The production of SUGAR, from the *sugar* beet, your committee are of the opinion, would have a tendency greatly to promote the interest and independence of our State. Sugar is an article that enters into the consumption of every family.

In many portions of our State, nearly all the demand is supplied from abroad. This draws from our circulating medium hundreds of thousands of dollars. There are, it is true, forests of sugar trees, in some parts of our State, but with the best arrangement that can be made, the manufacture of sugar from these, is a precarious and slavish undertaking, and can only be performed at a certain period of the

year, when the whole attention of our citizens should properly be directed to the preparations for the planting of their spring crops. It is also a means of procuring a supply of this necessary article which can never, under any circumstances, fill the demand, but which must continue to decrease as the country improves.

Not so with the production of sugar from the sugar beet. The climate and soil of Indiana are most congenial to the production of this valuable root. Every advantage to be derived from the use of labor-saving machinery in its manufacture, can be rendered available. No exposure need be incurred, and the supply may be rendered equal to any demand that may ever exist. Your committee, therefore, can but look upon this branch of production as one among many others, worthy of the highest consideration, one that will tend to husband much circulating medium, afford much comfort and profit to our citizens, and greatly tend to the promotion of our general prosperity.

In compliance with that part of their duty, devolving upon them by the reference of "that part of the Governor's Message relating to the State Geologist," your committee beg leave to say:

That the evidences of the great advantages derived by the State from the geological survey, so far as it has progressed, are such as to carry conviction, that it would be in their opinion impolitic, even under the present depressed state of our finances, to permit the survey to cease, with the services of the late talented and scientific individual employed by the State on that service. The great mineral wealth brought to view by his researches, in the sections of our State where his labors were performed, are of too great importance to those sections, to permit the amount expended to be considered an objection to pursuing the survey, especially when it is taken into consideration, that the unexplored parts of our State afford equal evidence of mineral wealth, to those which have been surveyed. Justice, also, to the citizens of the unsurveyed portions of the State, who have borne their proportion of the expenditures already made, dictates that the survey should be carried on to its final completion.

The agricultural, manufacturing, mineral, and commercial advantages of our State, being those upon which our citizens of every class must rely for permanent temporal advancement, your committee cannot refrain from an expression of their opinion, that these should be considered as inseparably connected. That every measure which wisdom may dictate, should be adopted to improve our agriculture—to discover and draw forth our mineral deposits, and convert them to practical use, to build up manufacturing establishments, and to afford facilities to our commerce. By fostering all these enterprises, they serve as mutual auxiliaries to each other in rewarding the laborer, and in rendering the people of any commonwealth independent of foreign influence. Whereas, a dependence on one or two of these resources only, cannot fail to curtail that prosperity which a community, possessing all these advantages, have a right to aspire to.

But where communities possess a part of these advantages only, as a matter of course they can only rely upon those they do possess, and

should adopt every measure to improve them. Indiana, happily for her citizens, is in possession of them all; and when it is taken into consideration, that her improvements in agriculture, and extensive commercial transactions have grown up in less than a quarter of a century, under the most embarrassing circumstances, who can doubt, that if her present means are brought into proper action, every cloud will be swept away, and she will career onward to her high destiny, in despite of foreign or domestic competition.

For years, however, the manufacturing interest of Indiana has been depressed, by the operation of not only her commercial, but her banking capital. The individual engaged in commercial transactions, has been enabled to loan money from the banks, which united with his own capital, he could lay out in the manufactures of eastern workshops, and have them on his shelves exposed for sale, all ready for use, in thirty or forty days. This would give him time to sell a portion, and with the avails meet the first instalment on his note in bank, at the end of ninety days. But it would prove a ruinous business for the manufacturer to loan money and to go abroad for raw materials to carry on his business. He could not return with the raw material, in time to *manufacture* his wares, and have them ready to compete with the eastern workshops, exposed upon the shelves of his neighbor, and consequently could not avail himself of his first sales in time to meet his first instalment. The effect has been to encourage the eastern mechanic and manufacturer to stay at home, and monopolize the trade of Indiana, instead of removing hither, to aid in drawing forth her dormant resources, and shaping them to supply the wants of her citizens.

The subject of an agricultural school or college, is one of vital importance, and one that should receive the mature and deliberate action of this General Assembly. It has occurred to your committee, that a distinct professorship, in our present State University, might be advantageously appropriated to the instruction of such as might attend, in the theory as well as practice, of rural economy in its various branches.

To the due success of agriculture, as of all other arts, both theory and practice are necessary—they reflect light on each other. If the former, without the latter, be a vain science, the latter, without the enlightening precepts of the former, is generally enslaved to ancient modes, however erroneous; or is, at best, too tardy and partial, in adopting salutary changes. In no instance, perhaps, is habit more unyielding, or irrational practice more prevalent, than among those who cultivate the soil. Hence agriculture is far below the attainments to which it ought to aspire.

A professorship of agriculture might derive great advantage from the chair of chemistry, in that institution. This science is every day penetrating some of the hidden laws of nature, and tracing the useful purposes to which they may be made subservient. Agriculture is a field on which it has already begun to shed its rays, and on which it promises to do much towards unveiling the processes of nature, to

which the principles of agriculture are related. The professional lectures on chemistry, which are to embrace these principles, could not fail to be auxiliary to a professorship, having lessons on agriculture for its essential charge. It would also greatly assist this plan of agricultural instruction, to place under the superintendence of the professor a small farm, to be cultivated as a pattern farm, illustrating a system at once profitable and improving; not only bringing to the test new modes of culture and management, but introducing new plants and animals deemed worthy of experiment. In obtaining these, much aid might be found in the patriotic exertions of our foreign ministers, consuls, and naval officers, who are, by a circular of the Treasury Department, required to collect and transmit to this country, valuable plants and seeds, which may come under their observation abroad; and it might well happen, that occasional success, in rearing new species or varieties of peculiar value, would yield in seeds and stocks, a profit defraying all expenses incurred, aside from the immense advantage that would accrue to the State at large.

A farm, exhibiting an instructive model, observed as it would be by every visiter, and understood as it would be, in its principles and plans, by students returning to their dispersed homes, could not fail to spread sound information on the subject of agriculture, and to cherish that spirit of imitation and emulation which is the source of improvement in every art and enterprize.

Your committee are therefore of opinion that the most munificent policy should be pursued to change the present order of thing. That such laws should be passed as will induce the creation of values at home, for the supply of our home necessities. And that this may be done understandingly, and as agriculture is the grand basis upon which the manufacturing and commercial interests are founded, that such appropriations should be made as will enable the Indiana State Board of Agriculture to carry into effect the duties assigned them by the law authorizing their organization. That in addition to this, an agricultural department and an experimental farm be annexed to our State University—that further and adequate appropriations be made to enable agricultural associations to award suitable premiums for agricultural products and manufactured articles—that our geological survey be continued; a bounty on salt, iron, sugar from the sugar beet, and silk manufactured from cocoons the product of this State, be awarded.

Your committee would also respectfully call the attention of this honorable body to the subject of taxing the labor of the farmers of our State by taking their improvements into the valuation of their lands. This most evidently has an unequal and injurious bearing upon the pioneers of our land, who have braved every hardship to bring their possessions into a productive state, and who by their patient toil are drawing values from the soil for further taxation; thus creating a revenue for the treasury, while a swarm of non-resident speculators have monopolized large bodies of land, and placed so high a value upon it, as to drive emigrants through our fine country to

the far west, who, were it not for these speculators, would have settled among us, and by the addition of their wealth, lightened the burdens of those who are resident tax payers. These monied speculators reap much advantage from the rise of property consequent upon the improvements of the country. These improvements are the results of the labors of the resident farmers. And your committee are at a loss to discover any principle of justice or good policy in taxing men for their labors which enrich others, while they are permitted to escape taxation on account of their want of industry and enterprize. No sooner is a field cultivated than it begins to deteriorate; and no sooner is a house, barn or fence constructed, than, it begins to decay; it therefore appears unequal to tax these while adjoining tracts of land are valued much lower, in consequence of the absence of these improvements, and taxed accordingly. Your committee would therefore suggest the passage of a law decreasing the tax upon improved farms and increasing that upon wild lands, so as to equalize this item of revenue.

That some may start at the first view of these recommendations in these times of pressure upon the treasury, your committee are fully aware; but that, upon mature examination of the results, if these recommendations are carried into effect, that all will be sensible of their utility, your committee have the fullest confidence; for by these means can the labor of our country be best brought into action, in bringing forth wealth from the dormant resources of our State, to supply our domestic wants and relieve us of the burdens we have to bear. That these resources are ample, none can deny. While they lie dormant, and we depend upon foreign loans, commercial transactions and land speculations to fill our treasury and furnish all the articles for domestic consumption which we now import, who is so blind that he cannot see that we must continue to run onward in the path of bankruptcy? Where are the millions that have been borrowed abroad and expended in internal improvements? Where are the other millions brought to us by emigrants within the last six or seven years? Where are the other millions which have come to us as the price of the rich products of our soil? the hundreds of thousands of the surplus revenue? Are not some in Europe for iron and silk, some in England for cloths, some in the east *for every thing*, and the balance passed away through our land offices? As these millions have been permitted to run off through a variety of channels, so must a variety of channels be opened, through which to draw them back.

Had our agriculturalists been induced to improve their flocks, and produce sufficient wool to supply a competent number of factories to supply us with cloths—had these millions, after being paid out for labor to construct our public works, been expended in the construction of productive machinery, and in the improvement of our agriculture, instead of being invested in commercial and land speculations, long ere this a sufficient amount of values would have been created within and brought to our State by emigrants to have filled our treasury to

such an extent, as to enable us to progress with all our public works, independent of foreign capital.

Say, for instance, that we now import fifteen thousand tons of iron, at ninety-five dollars per ton, which is a low estimate for this article, in all the variety in which it is imported, and we send

abroad	-	-	-	-	\$1,425,000
We import three hundred and fifty thousand barrels salt,					
at \$5 per barrel,	-	-	-	-	1,750,000
For silk,	-	-	-	-	1,000,000
For sugar,	-	-	-	-	250,000
For cloths, satinets, jeans, &c.	-	-	-	-	150,000
					<hr/>
And we have sent abroad annually,	-	-	-	-	\$5,925,000
This amount for six years would be	-	-	-	-	37,350,000
Add too this eight millions expended for public lands,					8,000,000
					<hr/>
And we have the sum of	-	-	-	-	\$45,350,000

More than enough to pay off the debt of the State, complete our internal improvements, and pay for the labor that would have produced all these supplies from our own materials.

It will be said, we cannot produce these articles. Be it so; let us look over the immense catalogue of our importations, and we will find more than enough articles that we could have manufactured to make up double the amount we could have produced of those enumerated. And in addition to this, let every stock raiser convert his scrub cattle into Durhams, his scrub hogs into Berkshires or Byfields, his scrub horses into good blooded animals, and we have a creation of values to a greater amount than will release the State from her embarrassments.

Again, let such a system of cultivation be adopted by our farmers on the lands now improved within our state, as it is practised in Europe and some of the eastern States, and we will produce an annual amount in grain, grasses, roots, &c. over that we now produce, enough to relieve our state from its indebtedness.

In other States and countries this state of things has been greatly facilitated by legislative encouragement. The framers of our constitution perceived the necessity of legislation on these subjects, and therefore enjoined it upon the General Assembly; and in accordance with that injunction, I have been directed to report the following bills.

L. G. THOMPSON, Chairman.

On motion of Mr. Fitch,

One thousand copies of said report were ordered to be printed.

The report was accompanied by the following bills, to wit:

No. 242, a bill to amend an act, entitled "an act for the incorporation of agricultural societies," approved February 19th, 1838;

No. 243, a bill to encourage the raising of silk, the manufacturing of salt and iron, and sugar from the sugar beet; and

No. 244, a bill to amend an act entitled "an act to encourage agriculture," approved February 7th, 1835;

Were severally read a first and second times—the rules being suspended—and one hundred copies ordered to be printed, and, together with the report laid upon the table.

Mr. Warriner made the following report:

MR. SPEAKER—

The committee on corporations, to whom was referred bill No. 225, to incorporate the Kankakee Bridge Company, have had the same under consideration, and have directed me to report the same back to the House, with sundry amendments;

Which were concurred in, and the bill ordered to be engrossed for a third reading.

Mr. Dunn made the following report:

MR. SPEAKER—

The committee on corporations, to whom was referred an engrossed bill of the Senate, No. 61, entitled "a bill amendatory of the charter of Michigan City, have, according to order, had the same under consideration, and directed me to report the same to the House without amendment.

Said bill was ordered to a third reading on to-morrow.

Mr. Atherton made the following report:

MR. SPEAKER—

The committee on corporations, to whom was referred the bill No. 184, to revive an act to incorporate the Lagrange Manufacturing Company, according to order, have had the same under consideration, and directed me to report the same back, without amendment.

The bill was then ordered to be engrossed for a third reading.

Mr. Atherton made the following report:

MR. SPEAKER—

The committee on corporations, to whom was referred the bill No. 163, to allow further time to the Lawrenceburgh and Indianapolis Rail Road Company, have, according to order, had the same under

consideration, and directed me to report the same back without amendment.

The bill was then ordered to be engrossed for a third reading.

Mr. Moore O. made the following report:

MR. SPEAKER—

The committee on corporations, to whom was referred a bill No. 207, to incorporate the Deerfield and Marion Turpike Company, have had that subject under consideration, and have directed me to report it back with several amendments;

Which were concurred in, and the bill ordered to be engrossed for a third reading.

Mr. Moore of O. made the following report:

MR. SPEAKER—

The committee on corporations, to whom was referred No. 44, an engrossed bill of the Senate, to incorporate the city of New Albany, and to repeal all laws in force incorporating the town of New Albany, have had that subject under consideration, and have directed me to report back the bill, without amendment.

The bill was ordered to a third reading on to-morrow.

Mr. Moore of O. made the following report:

MR. SPEAKER—

The committee on corporations, to whom was referred No. 202, a bill to incorporate the Washington Band of Musicians, have had that subject under consideration, and have directed me to report it back with one amendment; which was concurred in; and

The bill was ordered to be engrossed for a third reading,

Mr. Moore of O. made the following report:

MR. SPEAKER—

The committee on corporations, to whom was referred a bill, No. 195, to incorporate the Wabash Fire Company, have had that subject under consideration, and have directed me to report the bill back, with two amendments.

The amendments were concurred in, and the bill ordered to be engrossed for a third reading.

Mr. Perry made the following report:

MR. SPEAKER—

The committee on corporations, to whom was referred No. 204, a bill incorporating the Lawrenceburgh and Napoleon turnpike company, have had the same under consideration, and instructed me to report the bill back to the House, with sundry amendments, and request the concurrence of the House.

The amendments were concurred in, except the addition of a 28th section; when

Mr. Perry moved to strike out said section, and insert the following, to wit:

“Sec. 28. That the stock of said company shall be liable for all the debts, dues, and demands against said company.”

On the question, Shall said amendment be adopted? It was decided in the negative.

Mr. Perry then moved to recommit the bill to a select committee, And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Atherton, Baker, Beckett, Bennett, Berkshire, Bowles, Burke, Carleton of F., Carlton of L., Clark, Coats, Cogswell, Conaway, Cooper, Cox, Davis Eccles, Edmonson, Everts, Fisher, Fitch, Flint, Gardner, Garrigus, Hamer, Herriman, Hull, Jackson, Jamison, Lane, Lancaster, Lanius, Lee, McCoy, Monroe, Montgomery, Morrison, Nelson of B., Nelson of M., O'Neill, Perry, Perviance, Porter, Rippey, Robinson of J., Robinson of Rush, Sands, Southard, Spann, Stewart, Thompson, White, Wilson of W., Worster, Zenor, and Mr. Speaker—56.

Those who voted in the negative were:

Messrs. Allison, Arnold, Bell, Buckles, Butler, Campbell, Cutter, Dunn, English, Farley, Finch, Foster, Frisbie, Haddon, Hamblen, Henley, Hunt of J., Hunt of R., Jenckes, Johnson, Judah, Long, McGormack Miller, Milroy, Moore of O., Moore of V., Morgan, Osborn of F., Osborn of U., Parker, Robinson of Ripley, Sweetser, Warri-ner, Wilson of M., and Woodard—39.

So said bill was recommitted to a select committee.

Messrs. Perry, Robinson of Ripley, and Jamison, were appointed said committee.

Mr. Sweetser made the following report:

MR. SPEAKER—

The committee on corporations, to whom was referred No. 153, a bill to incorporate the White Lick Commercial Company, have had

the same under consideration, and directed me to report the same, with sundry amendments;

Which were concurred in, and the bill considered as engrossed, read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Sweetser now moved to take from the table, No. 96, a bill to incorporate the Greensburgh and Vernon turnpike company;

Which motion was decided in the affirmative.

Mr. Sweetser then moved to refer said bill to the same select committee, to which bill No. 153 had been referred;

Which motion was decided in the affirmative.

Mr. Sweetser asked to be excused from serving on the committee on corporations;

Which leave was not granted.

Mr. Miller made the following report:

MR. SPEAKER—

The committee on public buildings, to whom was referred the report of the keeper of the State House, have taken into consideration the several matters and suggestions contained in that report, and other references made to your committee by the House, and have directed me to report:

The committee on public buildings, to whom was referred the report of the Treasurer of State, in relation to the State House, and also a resolution of this House, directing your committee to inquire into the propriety of authorizing insurance on the State House against loss by fire, beg leave to report, that there is at this time no insurance on the building, or any of its furniture,—neither is there any law authorizing such insurance.

The committee are of opinion, that the public interest involved in the hazard of permitting the Capitol to remain uninsured, is sufficient to justify the expenditure consequent upon an insurance of at least half of the value of the building against loss by fire.

The committee are also of opinion, that, for the reasons set forth in the Treasurer's report, it will be expedient to change the mode of heating the halls, so as to effect the same through the agency of rarefied air: the committee, therefore, herewith report a bill to carry into effect these two objects, and to authorize the renewal of the carpeting in the Representative Hall.

The committee have also examined the vouchers submitted by the Treasurer of State, for disbursements made on account of the State House, and expences incident to the sessions of the General Assembly, and find them correct, and that the aggregate amount is \$951 87, for which the committee recommend provision to be made in the specific appropriation bill,

The report was concurred in.

The bill mentioned in the report, to wit:

No. 245, a bill for the preservation and furnishing the State House, was read a first time, and passed to a second reading.

Mr. Farley made the following report:

MR. SPEAKER—

The select committee, to whom was referred the petition of R. and H. Stewart, have had the same under consideration, and have directed me to report a bill, to wit:

No. 246, a bill for the relief of R. and H. Stewart;

Which was read a first time and passed to a second reading.

Mr. Robinson of J., made the following report:

MR. SPEAKER—

The select committee to whom was referred No. 222, a bill to amend an act entitled "an act dividing the State into judicial circuits and for other purposes, have had the same under consideration and have directed me to report the same back to the House with sundry amendments;

Which were concurred in; when

Mr. Long moved that said bill be laid upon the table;

Which motion was decided in the affirmative.

Mr. Conaway made the following report;

MR. SPEAKER—

The select committee to whom was referred the petition of Daniel J. Hancock, Isaac Hancock and sundry other citizens of the county of Dearborn on the subject of a bridge have had the same under consideration and have directed me to report the following bill, to wit:

No. 247, a bill to authorize Daniel J. Hancock and Isaac Hancock to build a toll bridge across South Hogan creek, in Dearborn county;

Which was read a first time and passed to a second reading.

Mr. Jenckes made the following report:

MR. SPEAKER—

The undersigned, one of the select committee, to whom was referred the petition of sundry citizens of Sullivan county, praying for a relocation of their county seat, and also the remonstrance of sundry citizens of Sullivan and the south part of Vigo counties, against said relocation, has investigated that subject, and in opposition to the

views of the majority of the committee, now present the following report:

The county of Sullivan is situated on the Wabash river, about one hundred miles south west of this place, having Vigo county on the north, Clay and Green counties on the east, and old Knox on the south. It contains about 450 square miles, returns 1080 polls and gave at the last election rising 1,200 votes. It pays a State tax of less than three 3,000 dollars. This county was organized in the year 1817, and the county seat was established at Vernon. This is a place of about one hundred inhabitants near the middle of the county as to north and south, situation on a high bluff on the Wabash and has one of the best Steam-boat landings on the river and indeed the only good one in the county. The amount of salt, goods and merchandize annually landed there from Steam-boats and of domestic products annually shipped is not less than one hundred thousand dollars. When the county was first organized, Carlisle became the temporary seat of justice, until commissioners were appointed by the Legislature, who examined the county and selected Merom in 1817 for the permanent county seat. Mr. Fetter and Hues of Louisville, Kentucky, and Mr. John White, of Wheeling, Virginia, gave 106 acres of land for that purpose. The jail and court-house were erected of the proceeds from the sale of the town lots which were donated for that specific object, and cost together about nine thousand dollars. It is alleged by the petitioners that the situation of Merom is unhealthy; but the remonstrants believe it as favorable to health as any other point in the county, and no physician residing there, has ever yet been known to accumulate a fortune. The question of the relocation of the county seat was again agitated in the year 1820, commissioners were appointed for that purpose, and after a thorough and critical examination of the whole county, they again selected Merom as the most suitable and advantageous spot, all things considered, for the permanent seat of justice for Sullivan county. The remonstrants believe, and it appears to the undersigned not without reason, that the true causes of the tardy growth of Merom are the constant agitation of the question of removal by some ambitious spirits of the county for personal aggrandizements, and the fact that about two thousand acres of land adjoining the town have been owned by non-residents and infant heirs. These heirs have now become of age, and this land is about to be brought into market, and it is believed that if the county seat of Sullivan is permitted *practically* to remain where it is a few years longer that time, the arbiter of all important questions, will ratify the judgment of the very respectable boards of commissioners, who have already twice decided in favor of Merom. It is believed that many of the petitioners are unaware of the heavy expense to which the removal will subject the county. Less than a thousand dollars will repair both jail and court-house so as to make them good for many years, whereas it will require more than ten thousand to erect new ones of equal dimensions. In case of removal the land donated will revert to the original proprietors and the county will be compelled, at a

heavy expense, to be met by increased taxation, to remunerate the holders of town lots at the present county seat. It has been decided by the supreme court of this State in a similar case that the measure of damages is the original purchase money with legal interest. If the petitioners were all aware of this fact and would recollect that it is 22 years since those lots were purchased, and for a price too, nearly double their present value, not a few of them would become expungers. There are two petitions before the house asking for the removal. The one contains 629 names and asks that the county seat may be removed to the centre or some point within a mile thereof, and the other containing 678 names, asking that it may be removed to a point to be hereafter selected. It is a remarkable fact that a county returning 1080 polls should send up the names of 2,014 petitioners and remonstrants. The names on two petitions are believed to be nearly the same and to include all those who are in favor of removing the county seat at all. *Whereas* the remonstrance contains the number of 707 persons, a majority of all the voters of the county who believe in relation to the present seat of justice of Sullivan county that this Legislature had "better let it be." That a majority thereto given is one of the fundamental rules of our republican institutions as applicable to a county as to the State or the Union, and the undersigned believes that if this maxim be made the rule of conduct in the present instance, that Merom, the county seat for the last 22 years will still retain that distinction. All which is respectfully submitted.

J. S. JENCKES.

Mr. Herriman made the following report:

MR. SPEAKER—

The select committee to which was referred bill of the House No. 145, have had the same under consideration, and have directed me to

REPORT:

That they deem the matters and things contained in the bill of vital importance to the agricultural interests of Indiana, and particularly the northern part of our State, where our country is infested with wolves—the most ferocious animals, that prowl about our prairies or run at large in the forests of Indiana. At the hour of midnight, when darkness has covered the land, when the senses of the shepherd are locked up in deep sleep, and when the very pulse of nature seems to be suspended, the wolf rushes from the bog, the glen, and the dark and gloomy shades of a tangled forest, upon some neighbor sheep-fold, committing direful havoc among those meek and lowly animals, as well as the junior members of the swinish multitude. They ask therefore, that those important staples may be protected by the enactment of such laws as will offer sufficient inducement for our sturdy yeomanry to buckle on their whole armor and declare a war of ex-

termination upon those prowling invaders of our domestic peace and quiet.

In the early settlements of Indiana bounties for wolf scalps were paid out of the treasury, and that too at a time when our treasury was empty, and when we had to resort to the expedient of issuing treasury notes. To deny this same privilege to that portion of our State infested with those deadly foes, the most hateful of the whole canine race, seems to a majority of your committee to be fraught with great injustice.

But should a majority of this house refuse to hearken to the demand of justice, and wilfully turn a deaf ear to the small and still voice of reason, not granting their reasonable requests, they at least ask the privilege of being allowed to pay for the destruction of those animals out of the county treasuries. Should this be done your committee, have full confidence, that the chivalric sons of Indiana will not cease, until like General Putnam, the distinguished hero of Ticonderago, they have dragged the last Wolf from her hiding place.

They therefore report the bill back to the House and ask its passage, without the amendments adopted in this House.

The wolf, the enemy of sheeep,
Prowls about when we're asleep,
And in despite of faithful dogs,
They kill our sheep and junior hogs,
And rob us of our wool and bacon,
By one, the imp of old Sātan.
Hence I pray the Legislature,
To pass a law to kill the creature,
And by a unanimous vote,
Make his scalp a Treasury note.

The report of the committee was concurred in, and the said bill, No. 146, a bill to encourage the raising of sheep and hogs and for other purposes; was read a third time, the rule being suspended, and passed.

Ordered, That Mr. Herriman inform the Senate thereof.

On motion,

The House adjourned until two o'clock P. M.

Two o'clock P. M.

The House met pursuant to adjournment.

Mr. Osboru of F. made the following report:

MR. SPEAKER—

The select committee to whom was referred a bill of the House No. 83, concerning the corporation of the town of Brookville, have according to order had the same under consideration, together with a petition and remonstrance in relation to said corporation, and have directed me to report said bill back to the House with a proviso to be inserted at the end of the first section, to wit: *Provided*, That nothing herein contained shall be so construed as to effect the rights of individuals, suits or prosecutions commenced previous to the passage of this act," and ask the concurrence of the House.

The report of the committee was concurred in, and the bill ordered to be engrossed for a third reading.

Mr. Stewart made the following report:

MR. SPEAKER—

The select committee to whom was referred sundry petitions from the counties of Clark and Floyd, on the subject of a State road, have had the same under consideration and instructed me to report the following bill, to wit:

No. 250, a bill to repeal an act entitled "an act to locate a State road from New Albany in Floyd county to Charlestown in Clark county, approved December 20, 1838;

Which was read a first and second times, the rule being suspended, and ordered to be engrossed for a third reading.

Mr. Carlton of L. made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of F. R. Nugent and others, of Lawrence county, praying the change of the name of a town therein named, have had that subject under consideration, and have directed me to report the following bill, to wit:

No. 261, a bill to change the name of the town of Paris in Lawrence county to that of Bryantsville;

Which was read a first time and passed to a second reading.

Mr. Morgan made the following report:

MR. SPEAKER—

The select committee to whom was referred the petitions of sundry persons, to make Little Blue river a public highway, have had the same under consideration, and, in pursuance to the payer of said petitioners, have directed me to report the following bill, to wit:

No. 264, a bill to authorize the removal of the obstructions to the free passage of the water down Little Blue river, in the counties of Rush and Shelby;

Which was read a first and second times, the rule being suspended, and ordered to be engrossed for a third reading.

Mr. Warriner made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of Solomon Russell, have had the same under consideration, and directed me to report the following bill, to wit;

No. 266, a bill for the relief the collector of Lake county;

Which was read a first and second times, the rule being suspended, and ordered to be engrossed for a third reading.

Mr. Fitch made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of H. Bliss, for relief, in a certain case, have instructed me to report it back to the House together with such evidence in the case as they have been able to obtain, and ask its reference, together with the evidence, to the committee on claims.

The report of the committee was concurred in, and the petition referred accordingly.

Mr. Milroy made the following report:

MR. SPEAKER—

The select committee, to whom was referred a bill of the House, 134, namely; "a bill to ensure the leasing of certain water power therein named," have had the same under consideration, and directed me to report:

That this bill is intended to insure the leasing of the water power created by the Wabash Dam No. 4, near Delphi, which on examination, is found to be somewhat peculiarly situated; whereby its relative value, for all purposes of manufacturing is lessened, so that it can never be rented on the terms asked, for power differently situated.

Your committee come to this conclusion from the following facts:

First. The place where this power must be used, is about one mile from the canal.

Second; it will be affected by backwater from the river a portion of each year, and works made where they may be in danger from

floods, would no doubt be more expensive than where no such dangers existed.

And third; because this water power is in itself so immense, that it can scarcely all be expected to be occupied in the next half century, even at any price ever so reduced. The question here occurs, whether it is the best policy in Indiana, to rent a large share of it at a reduced price, or a smaller share at a higher price? This, we believe, needs no answer—for the reason, that the concentration of business and capital, at a point so near the canal, by the increase of business it would cause on the same, would certainly give to the State, in the shape of tolls, more than all the difference that could be gained by *holding on*, for a higher price; and the less the minimum fixed for this power, the more will be taken, and the sooner it will be taken. And yet, reduce it however low, there is reason to believe, that it could not be all taken for years, as before intimated. So that your committee cannot see, that the State is likely to be the loser, by reducing the minimum, even greatly below that fixed by the board of Internal Improvements, on the ordinary water power of the State—but rather likely to be the gainer. In accordance with these views, I am further directed to report said bill back to the House, with an amendment, fixing a minimum for said water power, in which the concurrence of the House is requested; and to recommend the passage thereof.

The amendment to said bill was by adding a proviso, that no part of said power should be rented for less than seventy-five dollars per annum, for one run of millstones.

Mr. Wilson of M. moved to amend said amendment by striking out “seventy-five dollars,” and inserting “one hundred and twenty-five dollars;”

Which motion was decided in the negative.

On the question, Shall the report of the committee be concurred in? It was decided in the negative.

Mr. Millroy then moved to lay the bill upon the table.

Which motion was decided in the affirmative.

Mr. Everts, from a select committee, to whom the subject was referred, reported the following bill, to wit:

No. 260, a bill to amend an act entitled “an act for the prevention of frauds and perjuries;

Which was read a first and second times—the rule being suspended—and committed to the committee on the judiciary.

Mr. Robinson of R. introduced

No. 248, a bill to appropriate part of the three per cent. fund of Ripley county, and for other purposes;

Mr. Rippey introduced

No. 259, a bill to amend an act entitled “an act pointing out the mode of levying taxes, and fixing the per centum for State purposes; approved February 15, 1839;

Which were severally read a first time, and passed to a second reading.

Mr. Rippey introduced

No. 267, a bill for the relief of John Longacre;

Which was read a first time; when

Mr. Finch moved to reject said bill;

Which motion was decided in the negative.

The bill was then ordered to a second reading.

Mr. Herriman introduced

No. 256, a bill declaring a missprint, and for other purposes;

Mr. Moore of O. introduced

No. 257, a bill to amend an act entitled "an act to regulate the mode of doing county business in the several counties of this State, approved February 17, 1838;

Mr. Fitch introduced

No. 258, a bill for the relief of the heirs and administrators of John Tipton, deceased.

Mr. Foster introduced

No. 263, a bill relative to trials before justices of the peace in certain counties therein named;

Mr. Henley introduced

No. 268, a bill to authorize Absalom Fraser to sell and convey a part of the public square, in the town of New Washington;

Which were severally read a first and second times—the rule being suspended—and ordered to be engrossed for a third reading.

Mr. Lane introduced

249, a bill to amend an act entitled "an act granting to the citizens of Madison and the town of Lawrenceburgh a city charter.

Mr. Eccles introduced

No. 269, a bill to amend an act entitled "an act to incorporate the town of Martinsville, in Morgan county, Indiana; approved February 17, 1838;

Which were severally read a first and second times—the rule being suspended—and referred to the committee on corporations.

Mr. Butler introduced the following bills, which were severally read a first and second times—the rule being suspended—and referred to the committee on the judiciary, to wit:

No. 251, a bill for the relief of the widow, heirs, and administrator of the estate of William Wait, deceased;

No. 252, a bill for the redemption of land mortgaged to the State, and sale of the equities of redemption;

No. 253, a bill to amend an act entitled "an act regulating the practice in chancery, approved February 10th, 1831;

No. 254, a bill to amend an act, entitled an act regulating the practice in suits at law, approved January 29, 1831; and

No. 255, a bill to amend an act entitled "an act relative to crime and punishment, approved February 10, 1831.

Mr. Campbell introduced

No. 265, a bill for the relief of certificate holders to certain school land in Monroe county;

Which was read a first and second times—the rules being suspended—and committed to the committee on education.

Mr. Eccles introduced

No. 270, a bill to amend an act entitled “an act regulating the jurisdiction and duties of justices of the peace:

Which was read a first and second times—the rule being suspended—and committed to a select committee of Messrs. Eccles, Baker, and Dunn.

Mr. M'Cormack introduced

No. 262, a bill to provide for the election of a justice of the peace in Jacksonville, Fountain county;

Which was read a first, second, and third times—the rule being suspended—and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Garrigus introduced

No. 271, a bill supplemental to an act entitled “an act for the election of three school commissioners in township No. 14, north of range 7 west, in Parke county, approved December, 1839; which was read three several times—the rule being suspended—and passed.

Ordered, That the clerk inform the Senate thereof.

The House now again proceeded to the consideration of the message from the Senate, containing bill of the House No. 75, for the immediate relief of contractors and others engaged on the public works—the pending question, at the adjournment on yesterday being, on concurring in the sixth amendment of the Senate.

Mr. Fitch moved further to amend said amendment, by inserting the word “State” before the word “taxes”—making the notes receivable for “State taxes;”

Which amendment was adopted.

Mr. Hull moved further to amend said amendment, by adding the following:

“And provided further, That no collector or treasurer of county or State shall exchange bank notes, or specie which he may collect or receive, for treasury notes;”

On the question, Shall said amendment be adopted? It was decided in the negative.

Mr. Morgan moved to strike out the word “November,” where it occurs, and insert “September;”

Which motion did not prevail.

On the question, Shall said sixth amendment, as amended, be adopted? it was decided in the affirmative.

The seventh amendment of the Senate is in the words following, to wit:

“Seventh amendment—strike out sixth section and insert the following in lieu thereof.

“That it shall be the duty of the Treasurer of State, should he receive from the Fund Commissioner any money or moneys, for the redemption of said Treasury notes, before the expiration of the time they have to run, to deposite the same in the State Bank of Indiana,

provided the Branches of said Bank will undertake to redeem the same with the funds so deposited when presented, and provided the exchange is saved to the State; and provided further, that it shall be the duty of the Treasurer, to apply, or cause to be applied, the funds he may receive for the redemption of such Treasury notes; first, to the redemption of five dollar notes, and then to the fifties. And any officer or agent of the Bank or Banks, who shall purchase any of these notes for a less sum than their face, with the funds so deposited, shall be subject to all the penalties of the ninth section of this act."

Mr. Jamison moved to amend the said seventh amendment, as follows:

"Provided also, That it shall be the duty of the Treasurer of State to retain and set a part a sum sufficient, out of the funds first realized by the State, to meet the probable amount of said Treasury notes that may be received in the payment of taxes, and said notes so received in the payment of taxes shall be first redeemed out of the funds aforesaid."

On the question, shall said amendment be adopted? it was decided in the affirmative.

On the question, shall said seventh amendment of the Senate be adopted?

The ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Allison, Atherton, Baker, Bell, Berkshire, Buckles, Burke, Butler, Campbell, Carleton of F., Cooper, Cox, Cutter, Everts, Farley, Finch, Flint, Hamer, Herriman, Hunt of J., Hunt of R., Jackson, Jamison, Jenckes, Johnson, Judah, Lancaster, Lee, McGaughey, Nelson of M., O'Neill, Parker, Perviance, Rippey, Robinson of J., Rush, Shiveley, Spann, Sweetser, Thompson, Wilson of M. and Woodard—42.

Those who voted in the negative were:

Messrs. Albertson, Arnold, Beckett, Bennett, Bowles, Carlton of L., Clark, Coats, Conaway, Davis, Dunn, Eccles, Edmonson, Fisher, Fitch, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamblen, Henley, Hull, Jones, Lane, Long, McCormack, McCoy, Miller, Milroy, Monroe, Montgomery, Moore of O., Moore of V., Morgan, Morrison, Nelson of B., Osborn of F., Osborn of U., Perry, Porter, Robinson of Ripley, Robinson of Rush, Sands, Southard, Stewart, Wariner, White, Wilson of W., Worster, Zenor and Mr. Speaker—53.

So said amendment was not concurred in.

The 8th, 9th and 10th amendments of the Senate were severally concurred in by the House.

Mr. Hunt of J. moved to reconsider the vote on concurring in the fifth amendment of the Senate;

Which motion was decided in the affirmative.

Mr. Fitch now moved to add to his former proposition. which had been adopted by the House, the words following, to wit:

"And said appraisal of damages, as herein provided, shall be subject to the revision and approval, or alteration, of the board of Internal Improvement, before paid; and for the purpose of which revision, the Engineer shall report his appraisal to said Board, with the items upon which it is based: *Provided*, That if such damages are found to equal the estimated cost of the completion of the contract, the contractor shall not be entitled to any damages; but shall finish his contract in accordance with the original agreement."

On the question, shall said further amendment, to the fifth amendment of the Senate, be adopted? it was decided in the affirmative.

Mr. Hunt of J., moved further to amend said amendment of the Senate, as follows:

"And in case of dissatisfaction, on the part of contractors, with the assessment, it shall be the duty of the Board to examine, personally and assess said damages, if any; and from their decision there shall be no appeal."

On the question, shall said amendment be adopted? it was decided in the negative.

Mr. Cutter moved further to amend said fifth amendment, by adding the following:

"The contractors shall always have the right to appeal to the circuit court;"

Which amendment was adopted.

Mr. Baker moved to reconsider the vote just taken on Mr. Cutter's amendment.

A message from the Senate, by Mr. Test, their Secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives, that the Senate has passed an engrossed bill of the House No. 205 entitled

An act to postpone the February term of the Probate court of Putnam county in the year 1840 without amendment.

Mr. Morrison made the following report:

MR. SPEAKER—

The committee on enrolled bills report, that they have compared the engrossed with the enrolled bill of the House, of the following title, viz:

No. (205) an act to postpone the February term of the Probate Court of Putnam county in the year 1840, and find the same truly enrolled;

Whereupon,

The Speaker signed said bill,

Ordered, That the Clerk carry it to the Senate for the signature of their President.

Mr. Morrison made the following report:

MR. SPEAKER—

The committee on enrolled bills report, that they have this day, presented to the Governor for his approval and signature the following bill of the House, viz:

No. (205) an act to postpone the February term of the Probate Court of Putnam county in the year 1840.

Before any question was taken, on the motion, made by Mr. Baker to reconsider the vote, on the amendment made by Mr. Cutter,

On motion,

The House adjourned until to-morrow morning nine o'clock.

SATURDAY MORNING, FEBRUARY 1, 1840.

The House met pursuant to adjournment.

The Speaker laid before the House, a communication from John Trimble, of Frankfort, Kentucky, accompanied by a bill incorporating a company, by the name and style of the "Indiana Iron Manufacturing company;"

Which, on motion of Mr. English, were referred to the committee on corporations.

Mr. Bowles moved to suspend the order of business and take up that portion of the message from the Senate containing bill of the House, No. 75, for the immediate relief of contractors and others engaged on the public works;

Which motion was decided in the affirmative.

The pending question being, on reconsidering the vote, on Mr. Cutter's amendment.

Mr. Baker now withdrew his motion to reconsider said vote.

Mr. Montgomery renewed the motion to reconsider said vote.

The ayes and noes being requested thereon by Messrs. Cutter and Montgomery,

Those who voted in the affirmative were:

Messrs. Arnold, Baker, Beckett, Bennett, Berkshire, Bowles, Buckles,

Burke, Carleton of F., Cogswell, Conaway, Cooper, Cox, Everts, Farley, Fitch, Flint, Foster, Gardner, Hamer, Hamblen, Herriman, Hull, Hunt of J., Hunt of R., Jackson, Jamison, Johnson, Jones, Judah, Lane, Lancaster, Lee, Lanius, Long, McCormack, M'Coy, Miller, Milroy, Monroe, Montgomery, Moore of V., Morgan, Nelson of M., O'Neill, Osborn of F., Osborn of U., Perry, Perviance, Porter, Rippey, Robinson of Rush, Rush, Sands, Shiveley, Southard, Stewart, Sweetser, Thompson, Warriner, Wheeler, Wilson of M., Wilson of W., Worster and Zenor—65.

Those who voted in the negative were:

Messrs. Allison, Atherton, Bell, Butler, Campbell, Clark, Cutter, Davis, Dunn, Eccles, Edmonson, English, Fisher, Frisbie, Garrigus, Haddon, Henley, Jenckes, M'Gaughey, Moore of O., Nelson of B., Parker, Robinson of J., Robinson of Ripley, Spann, White and Mr. Speaker—23.

So said vote was reconsidered.

Mr. Cutter now modified his amendment, by adding thereto the following:

“Provided always, that the party or parties taking such appeal, shall pay all costs attending such appeal.”

On the question, shall said amendment, as modified, be adopted?

The ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Allison, Arnold, Atherton, Bell, Butler, Cogswell, Cutter, Flint, Foster, Frisbie, Jenckes, Robinson of J., Robinson of Ripley, Spann and Wilson of M.—15.

Those who voted in the negative were:

Messrs. Baker, Beckett, Bennett, Berkshire, Bowles, Buckles, Burke, Campbell, Carleton of F., Carlton of L., Coats, Conaway, Cooper, Cox, Davis, Dunn, Eccles, Edmonson, English, Everts, Farley, Finch, Fisher, Fitch, Garrigus, Gardner, Haddon, Hamer, Hamblen, Henley, Herriman, Hull, Hunt of J., Hunt of R., Jackson, Jamison, John, son, Jones, Lane, Lancaster, Lanius, Lee, Long, McCormack, M'Coy, Miller, Milroy, Monroe, Montgomery, Moore of O., Moore of V., Morgan, Morrison, Nelson of B., Nelson of M., O'Neill, Osborn of F., Osborn of U., Parker, Perry, Perviance, Porter, Rippey, Robinson of Rush, Rush, Sands, Shiveley, Southard, Stewart, Sweetser, Thompson, Warriner, Wheeler, White, Wilson of W., Worster, Zenor and Mr. Speaker—78.

So said amendment was not adopted.

Mr. Fisher now moved to amend said fifth amendment as follows, to wit:

"1st. *Be it further enacted*, That the present board of fund commissioners be re-organized so as to have one instead of two, and be elected by joint ballot of both Houses of the General Assembly.

"2d. *Be it further enacted*, That the said fund commissioner shall proceed at once to convert a sufficient portion of our eastern debt or property into cash to the amount of two hundred and fifty thousand dollars, and that he be further authorized to sell enough State bonds to realize a further sum of the same amount,

"3d. And that in case he shall be enabled to obtain in such manner the sum of half a million, within thirty days from and after the passage of this bill, then that one half of the amount due contractors be paid them in cash, and certificates of debt given them for the balance due, payable in two years at six per cent. interest.

"4th. In case the fund commissioner fail to secure the funds aforesaid or at any time before the expiration of said thirty days, give notice of his inability so to do, to the treasurer of State, then the foregoing provisions of this bill to be immediately carried into execution."

Mr. Hunt of J. now moved the previous question; which being seconded by a majority of the House, the main question was now put, to wit: "Shall the fifth amendment of the Senate, as amended, be adopted?"

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Allison, Arnold, Baker, Beckett, Berkshire, Bowles, Buckles, Burke, Carleton of F., Cogswell, Cooper, Cox, Cutter, Eccles, Everts, Farley, Finch, Fitch, Flint, Foster, Frisbie, Garrigus, Gardner, Hamblen, Herriman, Hull, Hunt of J., Hunt of R., Jackson, Jenckes, Johnson, Jones, Judah, Lane, Lancaster, Lee, Long, M'Cormack, M'Gaughey, Miller, Milroy, Monroe, Montgomery, Morgan, Nelson of M., O'Neill, Osborn of F., Parker, Perviance, Porter, Rippey, Robinson of J., Rush, Shiveley, Southard, Spann, Stewart, Thompson, Warriner, Wheeler, Wilson of M., Wilson of W., and Woodard—62.

Those who voted in the negative were:

Messrs. Atherton, Bell, Bennett, Butler, Campbell, Carlton of L., Clark, Coats, Conaway, Davis, Dunn, Edmonson, English, Fisher, Haddon, Hamer, Henley, Jamison, Lanius, McCoy, Moore of O., Moore of V., Morrison, Nelson of B., Osborn of U. Perry, Robinson of Ripley, Robinson of Rush, Sands, Sweetser, White, Worster, Zenor and Mr. Speaker—34.

So said fifth amendment, as amended, was concurred in.

Mr. Fitch presented the petition of sundry lawyers and others, of Cass county, praying an extension of the time of holding the circuit court, in that county:

Which was referred to a select committee of Messrs. Fitch, Milroy and Dunn.

Mr. Edmonson presented the petition of B. B. Edmonson sen., and others, praying for the location of a State road from Jasper to Paoli; Which was referred to the committee on roads.

Mr. Jenckes presented the remonstrance of Robert Haggatt and others, of Vigo county, against the relocation of the county seat of Sullivan county.

Mr. Jenckes moved to refer the said remonstrance to the same select committee heretofore appointed on that subject.

Mr. Haddon moved that it be laid upon the table;

Which motion was decided in the affirmative.

Mr. Milroy presented the petition of John Woodman, praying certain amendments to the school law;

Which was referred to the committee on education.

The House now proceeded to the consideration of the remaining portion of the last message from the Senate.

Engrossed bills of the Senate, in said message, to wit:

No. 25, a bill in relation to the State House, and for other purposes.

No. 40, a bill to establish a State road therein named;

No. 78, a bill preparatory to a general system of education in Indiana;

No. 108, a bill for the relief of George Crawford and James R. M'Cord; and

No. 22, a bill to amend the several acts regulating the practice at law;

Were severally read a first time and passed to a second reading.

Mr. Hunt of R. moved to take from the table No. 12, to change the time of holding courts in the eleventh judicial circuit;

Which motion was decided in the affirmative.

Said bill was amended in the Senate, by striking it out from the enacting clause, and inserting a substitute.

Mr. Jamison moved to lay the bill and amendment upon the table;

Which motion was decided in the affirmative.

A message from the Senate by Mr. Test their secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives, that the Senate have adopted the following resolution:

Resolved, That this Senate will, the House of Representatives concurring therein, adjourn sine die, on Monday the 17th February, 1840.

Mr. Robinson of J. moved that said resolution be laid upon the table,

And the ayes and noes being requested thereon,

Those who voted in the affirmative were

Messrs. Allison, Arnold, Baker, Beckett, Bell, Berkshire, Bowles, Butler, Campbell, Carlton of L., Clark, Conaway, Cooper, Cutter, Davis, Eccles, Everts, Finch, Fisher, Fitch, Garrigus, Gardner, Haddon, Hamblen, Herriman, Hull, Hunt of R., Jenckes, Johnson, Lane, Lancaster, Lee, Long, McCormack, Milroy, Monroe, Morgan, Nelson of M., Osborn of F., Perry, Porter, Robinson of J., Robinson of Ripley, Robinson of Rush, Rush, Sands, Shiveley, Spann, Stewart, Warri-ner, White and Wilson of W.—54.

Those who voted in the negative were:

Messrs. Artherton, Bennett, Burke, Carleton of F., Coats, Cogswell, Cox, Dunn, Edmonson, English, Farley, Flint, Foster, Frisbie, Hamer, Henley, Jackson, Jamison, Jones, Judah, McCoy, M'Gaughey, Montgomery, Moore of O., Moore of V., Nelson of B., O'Neill, Osborn of U., Parker, Perviance, Rippey, Southard, Sweetser, Thompson, Wheeler, Wilson of M., Woodard, Worster, Zenor and Mr. Speaker—39.

So said resolution was laid upon the table.

Mr. Fitch, from the committee on education, to whom bill of the House, No. 265, was referred, for the relief of certificate holders to certain school lands in Monroe county," was referred, reported the bill back without amendment.

The said bill was ordered to be engrossed for a third reading.

Mr. Cooper made the following report:

MR. SPEAKER—

The committee of ways and means to whom was referred the report of the treasurer of State, relative to the Lawrenceburgh and Indianapolis rail road company, have had that subject under consideration; and they have directed me to report the following bill, to wit:

No. 272, a bill relative to the duty of the auditor of public accounts;

Which was read a first time and passed to a second reading.

Mr. Farley made the following report:

MR. SPEAKER—

The committee on claims to which was referred a bill of the House No. 212, for the relief of John D. Morrison, have had the same under consideration, and have directed me report the same back to the House without amendment. Your committee, however, beg leave to state to the House the grounds on which they predicate their report. They are satisfied of the following facts, viz: That the said John D. Morrison was collector of Wayne county for the year 1838, that by a

mistake of the clerk of said county, he paid into the State treasury the sum of \$1,121 80, which of right ought to have been paid into the county treasury. That the said sum of \$1,121 80 was received by the State and the same was loaned out for 10 months at 10 per cent., and that the State has received the interest amounting to \$83 50. Your committee is satisfied that the said John D. Morrison and his sureties were sued by the said county for the said sum of \$1,121 80, and that the county obtained judgment for the amount. And that the defendants in their defence incurred costs to about the amount of \$60. Which with the said sum of \$93 50 makes the aggregate sum of \$153 50, allowed in the said bill. All of which is respectfully submitted.

The said bill was ordered to be engrossed for a third reading.

On motion,

The House adjourned until two o'clock P. M.

Two o'clock P. M.,

The House met pursuant to adjournment.

Mr. Southard, on leave granted, made the following report:

MR. SPEAKER—

The committee on corporations, to whom was referred, bill No. 161, to incorporate the Wabash Rangers, have had the same under consideration, and have directed me to report the same back, with an amendment;

Which was concurred in by the House.

The said bill was ordered to be engrossed for a third reading.

Mr. Edmonson made the following report:

MR. SPEAKER—

The committee on agriculture to whom was referred a resolution of this House, on the subject of enclosures and trespassing animals, have had that subject under consideration, and have directed me to report the following bill, and recommend its passage, to wit:

No. 273, a bill to amend an act entitled "an act concerning enclosures and trespassing animals, approved February 17th, 1838;

Which was read a first and second times, the rule being suspended, and ordered to be engrossed for a third reading.

Mr. Moore of V. introduced

No. 274, a bill appointing agents for loaning the surplus revenue in the several counties in this State for the year 1840;

Which was read a first and second times, the rule being suspended, and committed to a committee of the whole House for Wednesday next.

Mr. Cogswell introduced

No. 275, a bill for the relief of borrowers from the sinking fund and and surplus revenue;

Which was read a first time and passed to a second reading.

Mr. Nelson of M. made the following report:

MR. SPEAKER—

The committee on corporations to whom was referred, a bill of the House, No. 187, to incorporate the trustees of the first Presbyterian church of Crawfordsville, have had the same under consideration, and directed me to report said bill back to the House with sundry amendments;

Which were concurred in by the House.

The bill was ordered to be engrossed for a third reading.

Mr. McCoy moved to dispense with the previous order of business and take under consideration bill of the House

No. 45, a bill to amend an act subjecting real and personal estate to execution, approved February 4th 1834;

Which motion was decided in the affirmative.

Mr. Bowles moved to recommit said bill to a select committee, with instructions to strike out "six months" and insert "nine months," and strike out "one dollar," and insert "fifty cents."

The ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Baker, Berkshire, Bowles, Burke, Campbell, Carleton of F., Cogswell, Conaway, Cutter, Davis, Eccles, English, Fitch, Flint, Frisbie, Garrigus, Gardner, Hamer, Hamblen, Herriman, Hull, Hunt of J., Hunt of R., Johnson, Lanius, McCormack, McCoy, McGaughey, Montgomery, Moore of O., Moore of V., Nelson of B., Nelson of M., O'Neill, Perviance, Rippey, Sands, Shiveley, Wheeler, White and Wilson of W.—41.

Those who voted in the negative were:

Messrs. Arnold, Atherton, Beckett, Bell, Bennett, Butler, Cooper, Cox, Dunn, Everts, Farley, Finch, Foster, Haddon, Henley, Jamison, Jenckes, Jones, Judah, Lane, Lancaster, Lee, Miller, Milroy Monroe, Morgan, Morrison, Osborn of F., Osborn of U., Parker, Perry, Robinson of J., Robinson of Ripley, Robinson of Rush, Southard, Stewart, Sweetser, Thompson, Warriner, Wilson of M., Worster, Zenor, and Mr. Speaker—44.

So said instructions were not adopted.

Mr. Jones moved to recommit the bill with the following instructions, to wit:—

“To strike out that part which relates to judgments already rendered;”

Which motion did not prevail.

On the question, Shall the bill pass?

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Allison, Baker, Berkshire, Bowles, Campbell, Conaway, Cox, Cutter, Davis, Dunn, Eccles, English, Everts, Farley, Fisher, Fitch, Foster, Gardner, Herriman, Hull, Hunt of J., Hunt of R., Judah, Lane, Lanius, Lee, Long, McCormack, McCoy, McGaughey, Milroy, Moore of O., Nelson of B., Nelson of M., O'Neill, Parker, Perry, Perviance, Rippey, Siveley, Spann, Thompson, Warriner, Wheeler, White, Wilson of M. and Wilson of W.—49.

Those who voted in the negative were:

Messrs. Arnold, Atherton, Beckett, Bell, Bennett, Burke, Butler, Cogwell, Cooper, Edmonson, Finch, Flint, Frisbie, Garrigus, Haddon, Hamer, Humble, Henley, Jackson, Jamison, Jenckes, Johnson, Jones, Lancaster, Miller, Monroe, Moore of V., Morgan, Morrison, Osborn of F., Osborn of U., Robinson of J., Robinson of Ripley, Robinson of Rush, Rush, Sands, Southard, Stewart, Sweetser, Woster, Zenor and Mr. Speaker—41.

So said bill passed.

Ordered, That the Senate be informed thereof.

The House now proceeded to the consideration of bills on their third reading.

No. 128, a joint resolution asking further appropriation for the prosecution of the public works at Michigan City;

Was read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 11, an engrossed bill of the Senate, for the relief of the heirs of Martin Berg;

No. 8, a bill, of the Senate, to provide for the support of the indigent blind of this State;

No. 13, a bill, of the Senate, to incorporate the Orleans Institute;

No. 14, a joint resolution of the Senate, in relation to a certain mail route therein named;

No. 39, a bill, of the Senate, to amend an act for the incorporation of county libraries, approved February 17th, 1838;

No. 7, a bill, of the Senate, amendatory to an act relative to practice in circuit courts, approved February 18th, 1839;

No. 27, a bill, of the Senate, to extend the time of payment to purchasers of school lands in Monroe county;

No. 42, a bill, of the Senate, to incorporate the Orange Guards;

No. 102, a bill, of the Senate, for the relief of Conrod Staser;

No. 46, a bill, of the Senate, to incorporate the Bartholomew county silk company;

Were severally read a third time and passed.

No. 33, a bill, of the Senate, amendatory to an act entitled "an act regulating prison and prison bounds," approved February 17th, 1838;

Was read a third time.

Mr. Cutter moved that said bill be indefinitely postponed; when,

Mr. Herriman moved that the bill be laid upon the table;

Which motion was decided in the affirmative.

Mr. Flint moved to suspend the rule for the purpose of introducing a resolution,

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Allison, Atherton, Baker, Bell, Bennett, Burke, Butler, Carlton of L., Cooper, Cox, Edmonson, Flint, Frisbie, Garrigus, Haddon, Hamer, Jamison, Johnson, Jones, Lancaster, Miller, Monroe, Montgomery, Morgan, Morrison, Osborn of F., Osborn of U., Robinson of J., Rush, Sands, Southard, Stewart, Wilson of W., Woodward, Worster, Zenor and Mr. Speaker.—36.

Those who voted in the negative were:

Messrs. Arnold, Beckett, Berkshire, Bowles, Campbell, Carleton of F., Cogswell, Cutter, Dunn, Eccles, English, Everts, Farley, Fisher, Fitch, Foster, Gardner, Hamblen, Henley, Herriman, Hull, Hunt of J., Hunt of R., Jenckes, Judah, Lane, Lanius, Lee, Long, McCormack, McCoy, Milroy, Moore of O., Nelson of B., Nelson of M., O'Neill, Parker, Perry, Porter, Rippey, Robinson of Ripley, Shiveley, Spann, Sweetser, Thompson, Warriner, Wheeler, White and Wilson of M.—49.

So said leave was not granted.

Mr. Judah now moved to reconsider the above vote on suspending the rule of the House.

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Allison, Atherton, Baker, Bell, Bennett, Berkshire, Bowles, Carleton of F., Carleton of L., Cogswell, Conaway, Cooper, Cox, Cutter, Dunn, Eccles, English, Everts, Farley, Fisher, Flint, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamer, Hamblen, Herriman, Hull, Hunt of J., Jackson, Jamison, Johnson, Jones, Judah, Lancaster, Lanius, Lee, Long, Miller, Milroy, Monroe, Montgomery, Morgan, Morrison, Nelson of B., Osborn of F., Osborn of U., Parker, Perry, Porter, Robinson of J., Robinson of Rush, Rush, Sands, Shiveley,

Southard, White, Wilson of M., Wilson of W., Woodard, Worster, Zenor and Mr. Speaker—65.

Those who voted in the negative were:

Messrs. Arnold, Beckett, Burke, Campbell, Edmonson, Fitch, Henley, Hunt of R., Jenckes, Lane, McCormack, McCoy, Moore of O., Nelson of M., O'Neill, Rippey, Robinson of Ripley, Spann, Stewart, Sweetser, Thompson, Warriner and Wheeler—23.

So said vote was reconsidered.

Mr. Judah then offered the following resolution:

Resolved, That the clerk be directed to request the Senate, in the name of the House, to return to the House the bill which has just passed, entitled "a bill to amend the act subjecting real and personal estate to execution.

Mr. Herriman moved to strike out the word "clerk," and insert "Mr. Judah;"

Which motion was decided in the affirmative.

The resolution was then adopted.

Mr. Sweetser, on leave granted, introduced No. 276, a bill to change the name of Mary Burroughs;

Which was read a first, second, and third times—the rule being suspended— and passed.

Ordered, That the clerk inform the Senate thereof.

No. 49, a bill to authorise Osborne & Chamberlain to sue the State, was read a third time; when

Mr. Miller moved to lay the bill upon the table.

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Arnold, Bennett, Bowles, Conaway, Davis, Eccles, Edmonson, English, Frisbie, Garrigus, Gardner, Haddon, Hamblen, Henley, Herriman, Lane, Lanius, Lee, Long, McCormack, Miller, Monroe, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of F., Osborn of U., Perry, Rippey, Robinson of Rush, Sands, Shiveley, Stewart, Warriner, Wheeler, White, Wilson of W., Worster, and Mr. Speaker—43.

Those who voted in the negative were:

Messrs. Allison, Atherton, Baker, Beckett, Bell, Berkshire, Burke, Campbell, Carleton of F., Cogswell, Cooper, Cox, Dunn, Everts, Finch, Fisher, Fitch, Flint, Foster, Hamer, Hull, Hunt of J., Jackson, Jamison, Jenckes, Johnson, Jones, Judah, Lancaster, McCoy, McGaughey, Milroy, Montgomery, Morgan, O'Neill, Parker, Porter, Robinson of J., Robinson of Ripley, Southard, Spann, Sweetser, Thompson, Wilson of M., Woodard, and Zenor—44.

So said bill was not laid upon the table.

Mr. Herriman moved that the bill be committed to the committee on claims.

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Arnold, Bowles, Burke, Campbell, Carlton of L., Cogswell, Conaway, Davis, Eccles, Edmonson, English, Frisbie Garrigus, Gardner, Haddon, Hamblen, Herriman, Lane, Lanius, Lee, Long, M'Cormack, M'Coy, Miller, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of F., Osborn of U., Perry, Rippey, Robinson of Rush, Sands, Shiveley, Stewart, Warriner, Wheeler, White, Wilson of W., Worster, and Mr. Speaker—43.

Those who voted in the negative were:

Messrs. Allison, Atherton, Baker, Beckett, Bell, Bennett, Berkshire, Carleton of F., Cooper, Cox, Dunn, Everts, Farley, Finch, Fisher, Fitch, Flint, Foster, Hamer, Hull, Hunt of J., Hunt of R., Jackson, Jamison, Jenckes, Johnson, Jones, Judah, Lancaster, M'Gaughey, Milroy, Monroe, Montgomery, Morgan, O'Neill, Parker, Porter, Robinson of J., Robinson of Ripley, Rush, Southard, Spann, Sweetser, Thompson, Wilson of M., Woodward, and Zenor—46.

So said bill was not committed to the committee on claims.

Mr. Bowles moved that the bill be indefinitely postponed; when

Mr. Fitch moved the previous question, and said motion being seconded by a majority of the House,

On the question, Shall the main question be now put?

The ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Allison, Atherton, Baker, Beckett, Bell, Bennett, Berkshire, Burke, Butler, Campbell, Carleton of F., Cogswell, Conaway, Cooper, Cox, Davis, Dunn, Everts, Finch, Fisher, Fitch, Flint, Foster, Hamer, Hull, Hunt of J., Hunt of R., Jackson, Jamison, Jenckes, Jones, Judah, Lancaster, M'Coy, M'Gaughey, Miller, Milroy, Montgomery, Morgan, Nelson of M., O'Neill, Osborn of F., Parker, Perry, Porter, Robinson of J., Robinson of Ripley, Rush, Sands, Southard, Sweetser, Thompson, White, Wilson of M., Wilson of W., Woodard, Worster, Zenor, and Mr. Speaker—49.

Those who voted in the negative were:

Messrs. Bowles, Eccles, Edmonson, English, Frisbie, Garrigus, Gardner, Haddon, Hamblen, Henley, Herriman, Lane, Lanius, Lee, Long, M'Cormack, Monroe, Moore of O., Moore of V., Morrison,

Nelson of B., Osborn of U., Rippey, Robinson of Rush, Shiveley, Spann, Stewart, Wariner, and Wheeler—29.

So the main question was ordered to be put.

On the main question, to wit: Shall the bill pass?

The ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Allison, Atherton, Baker, Beckett, Bell, Bennett, Berkshire, Burke, Butler, Campbell, Carleton of F., Cogswell, Cooper, Cox, Dunn, Everts, Farley, Finch, Fisher, Fitch, Flint, Foster, Hamer, Hull, Hunt of J., Jackson, Jamison, Jenckes, Johnson, Jones, Judah, Lancaster, M'Coy, M'Gaughey, Milroy, Montgomery, Morgan, O'Neill, Parker, Robinson of J., Robinson of Ripley, Rush, Southard, Spann, Sweetser, Thompson, Wilson of M., Wilson of W., Woodard, and Z^e nor—50.

Those who voted in the negative were:

Messrs. Arnold, Bowles, Carlton of L., Conaway, Davis, Eccles, Edmonson, English, Frisbie, Garrigus, Gardner, Haddon, Hamblen, Henley, Herriman, Lane, Lanius, Lee, Long, M'Cormack, Miller, Monroe, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of F., Osborn of U., Perry, Porter, Rippey, Robinson of Rush, Sands, Shiveley, Stewart, Warriner, Wheeler, White, Worster, and Mr. Speaker.—41,

So said bill passed.

Ordered, That the clerk inform the Senate thereof.

A Message from the Governor, by Mr. Moore, his private secretary.

MR. SPEAKER—

I am directed by the Governor to inform the House of Representatives that he did on yesterday, (31st ultimo,) approve and sign acts of the titles following, to wit:

"An act to postpone the February term of the probate court of Putnam county, in the year 1840."

"An act to legalize certain acts of the Board doing county business in the county of Dubois."

"An act to amend an act entitled "an act to incorporate the New Harmony working-men's Institute for mutual instruction; approved February 15th, 1839."

All of which originated in the House of Representatives.

On motion,

The House adjourned until nine o'clock Monday morning.

6th

MONDAY MORNING, FEBRUARY 3, 1840.

The House met pursuant to adjournment.

A message from the Senate, by Mr. Test their Secretary.

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives, That the Senate has passed engrossed bills of the House as follows, to wit:

No. 19, an act to repeal so much of an act entitled an act providing for a more uniform mode of doing township business in the several counties therein named as relates to the counties of Clinton, Delaware and Hancock.

No. 89, an act to vacate the town of Voltonville.

No. 90, an act to change the name of Wilmington in Rush county.

No. 98, an act to repeal an act entitled an act to vacate a state road from Corydon, in Harrison county, to the Ohio river opposite the mouth of Salt river.

No. 102, an act to authorize the election of an additional justice of the peace in Wayne township, in Marion county.

No. 117, an act concerning a school section in Tippecanoe county.

No. 124, an act to provide for the election of a justice of the peace and constable in the town of Canton in Washington county.

No. 126, an act to provide for the election of a justice of the peace in the town of Macksville in Vigo county.

No. 138, an act to provide for the election of a justice of the peace in the town of Bainbridge in Putnam county.

No. 145, an act relative to the three per cent fund in Spencer county.

No. 156, an act to incorporate the Fort Harrison Guards.

And also a joint resolution No. 144 of the House entitled

A joint resolution in relation to a grant of lands for an asylum for deaf mutes, and blind persons, each without amendment.

A message from the Senate, by Mr. Test their Secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed bills of the House as follows:

No. 51, an act authorizing the Vanderburgh Lyceum to sell or donate, transfer and convey real estate, and

No. 103, an act to locate a state road in Green county, each with amendments in which the concurrence of the House is respectfully requested.

Also the Senate has passed engrossed bills, and a joint resolution thereof as follows, viz:

No. 112, act amendatory of an act regulating the jurisdiction, and duties of justices of the peace, approved Feb. 17, 1838, and for other purposes.

No. 112, an act to incorporate the Spencer county Working Man's Institute.

No. 118, act relative to the jurisdiction of justices of the peace in Allen county.

No. 120, an act to authorize the election of one additional justice of the peace in Franklin township Washington county; and

No. , a memorial and joint resolution to the Congress of the United States on the subject of the Cumberland road.

In which also the concurrence of the House is respectfully requested:

Bills No. 12, 112, 118, 120, mentioned in the message, were severally read the first time and passed to a second reading.

The memorial and joint resolution mentioned in the message, was read a first and second time, the rule being suspended, and committed to the committee on the judiciary.

A message from the Senate, by Mr. Test their Secretary:

MR. SPEAKER—

I am directed by the Senate to return to the House the bill thereof No. 45 entitled "an act to amend an act subjecting real and personal estate to execution approved Feb. 4, 1831 agreeably to the request of the House."

Mr. Wilson of M., presented the petition of Ezekiel Cox of Wabash county, praying relief;

Which was referred to the committee on claims.

Mr. Henley moved to suspend the rules of the House, for the purpose of introducing a resolution.

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Allison, Arnold, Baker, Bowles, Buckles, Burke, Campbell, Carleton of F., Carlton of L., Clark, Cogswell, Conaway, Cooper, Davis, Dunn, Eccles, Edmonson, English, Farley, Finch, Fitch, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamblen, Henley, Herri-man, Hull, Hunt of J., Hunt of R., Johnson, Lane, Lancaster, Lan-ius, Lee, Long, McCormack, McCoy, McGaughey, Miller, Milroy, Monroe, Moore of O., Moore of V., Morgan, Nelson of B., Nelson of M., Osborn of C., Osborn of F., Osborn of U., Perry, Perviance, Porter, Rippey, Sands, Shiveley, Southard, Spann, Stewart, Sweet-ser, Thompson, Warriner, Wheeler, White, Wilson of W., Worster, and Mr. Speaker—69.

Those who voted in the negative were:

Messrs. Atherton, Beckett, Bell, Bennett, Berkshire, Butler, Coats, Cox, Cutter, Everts, Flint, Hamer, Jackson, Jamison, Jenckes, Judah, Montgomery, O'Neill, Parker, Robinson of J., Robinson of Ripley, Robinson of Rush, Rush, Wilson of M., Woodard and Zenor—26.

So said leave was granted by the House.

Mr. Henly then introduced the following preamble and resolution:

Whereas it is reported, that an officer of this House has been assailed, brutally attacked, and severely beaten by a mob of citizens of Indianapolis; therefore,

Resolved, That a select committee of five be appointed to inquire into and report the facts to this House, and to suggest such measures as may be necessary, to sustain the dignity of the House of Representatives of Indiana, and maintain the privileges of its members and officers, with full power to carry this resolution into effect.

Mr. Robinson of J., moved to amend said resolution, by adding thereto the following:

"And also to investigate and report upon the character and authorship of a letter, lately published in the Wabash Enquirer, assailing and ridiculing, among other things, the conduct of respectable ladies, and whether the author of it is an officer of this House, and whether, in writing said letter, he was in the discharge of his official duties, or perpetrating a libel for which he deserves the censure and not the protection of this House.

Mr. Robinson of Ripley moved that the resolution and amendment be laid upon the table;

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Allison, Arnold, Atherton, Beckett, Bell, Bennett, Berkshire, Buckles, Burke, Butler, Campbell, Coats, Cooper, Cox, Cutter, Everts, Finch, Flint, Foster, Hamer, Hamblen, Hull, Jackson, Jamison, Jenckes, Judah, Lancaster, Lee, Montgomery, O'Neill, Parker, Robinson of J., Robinson of Ripley, Robinson of Rush, Rush, Thompson, Wheeler, Wilson of M., Woodard and Zenor—40.

Those who voted in the negative were:

Messrs. Baker, Bowles, Carlton of L., Clark, Cogswell, Conaway, Davis, Dunn, Eccles, Edmonson, English, Farley, Fitch, Frisbie, Garrigus, Gardner, Haddon, Henley, Herriman, Hunt of J., Hunt of R., Johnson, Lane, Lanius, Long, McCormack, McCoy, McGaughey, Miller, Milroy, Monroe, Moore of O., Moore of V., Morgan, Nelson of B., Nelson of M., Osborn of C., Osborn of F., Osborn of U., Perry, Perviance, Porter, Rippey, Sands, Shiveley, Southard, Spann,

Stewart, Sweetser, Warriner, White, Wilson of W., Worster and Mr. Speaker—52.

So said resolution was not laid upon the table.

Mr. Butler moved further to amend the resolution; when

Mr. Herriman moved the previous question; and on the question, shall the main question be now put,

The ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Arnold, Buckles, Carlton of L., Clark, Cogswell, Conaway, Davis, Eccles, Edmonson, English, Everts, Farley, Frisbie, Garrigus, Gardner, Haddon, Hamblen, Henley, Herriman, Hunt of J., Hunt of R., Johnson, Lane, Lanius, Long, McCormack, McCoy, McGaughey, Miller, Milroy, Monroe, Moore of O., Moore of V., Morgan, Nelson of B., Nelson of M., Osborn of F., Osborn of U., Perry, Perviance, Porter, Rippey, Robinson of Rush, Sands, Shiveley, Southard, Spann, Stewart, Sweetser, Wheeler, White, Wilson of W., Worster and Mr. Speaker—64.

Those who voted in the negative were:

Messrs. Allison, Atherton, Baker, Beckett, Bell, Bennett, Berkshire, Bowles, Burke, Butler, Campbell, Coats, Cooper, Cox, Cutter, Dunn, Finch, Fitch, Flint, Foster, Hamer, Hull, Jackson, Jamison, Jenckes, Judah, Lancaster, Lee, Montgomery, O'Neill, Osborn of C., Parker, Robinson of J., Robinson of Ripley, Rush, Thompson, Wilson of M., Woodard and Zenor—39.

So said previous question was sustained.

The main question, to wit: "shall the resolution as offered by Mr. Henley be adopted was put,

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Arnold, Bowles, Buckles, Carlton of L., Clark, Cogswell, Conaway, Davis, Eccles, Edmonson, English, Farley, Frisbie, Garrigus, Gardner, Haddon, Hamblen, Henley, Herriman, Hunt of J., Johnson, Lane, Lanius, Long, McCormack, McCoy, McGaughey, Miller, Milroy, Monroe, Moore of O., Moore of V., Morgan, Nelson of B., Nelson of M., Osborn of C., Osborn of F., Osborn of U., Perry, Perviance, Porter, Rippey, Sands, Shiveley, Southard, Spann, Stewart, Sweetser, White, Wilson of W., Worster, and Mr. Speaker—52.

Those who voted in the negative were:

Messrs. Allison, Atherton, Baker, Beckett, Bell, Bennett, Berkshire, Burke, Butler, Campbell, Carleton of F., Coats, Cooper, Cox, Cutter, Dunn, Everts, Finch, Fitch, Flint, Foster Hamer, Hull, Hunt of R., Jackson, Jamison, Jenckes, Judah, Lancaster, Lee, Montgomery, O'Neall, Parker, Robinson of J., Robinson of Ripley, Robinson of Rush, Rush, Thompson, Wheeler, Wilson of M., Woodard and Zenor---41.

So said resolution was adopted.

Messrs. Henley, Robinson of Ripley, Lane, Eccles and Cutter were appointed said committee.

Mr. M'Coy presented the remonstrance of Richard S. Benefield against the petition of Elizabeth Benefield for a divorce;

Which was laid upon the table.

Mr. Osborn of C., presented the petition of John M'Namer and others, of Owen county, praying that a part of said county may be attached to the County of Clay.

Mr. Moore of O. moved that the petition be laid upon the table;

Which motion was decided in the negative.

The said petition was then referred to a select committee of Messrs, Moore of O., Haddon and Flint.

Mr. Osborn of C., presented the petition of Micoga Phelps and others, against the addition of any territory to Clay county;

Which was referred to the same select committee appointed on that subject.

Mr. Osborn of C. also presented the petition of James Jeffers and others, of Clay county, praying the relocation of the county seat of Clay county;

Which was referred to the select committee appointed on that subject.

Mr. Perry presented the petition of W. H. Vaughan and others, against any separation of the town of Lawrenceburgh;

Which was referred to the committee on corporations.

Mr. Parker made the following report:

MR. SPEAKER—

The committee on the judiciary, according to order, have had under consideration the resolution of this House instructing them to "inquire into the legality of taxing improvements made by any persons upon land belonging to the United States, and whether the taxes assessed upon such improvements could be legally collected; also to inquire whether the tax imposed on the Wabash and Erie canal lands, and improvements on said lands, is not illegal, or a violation of the contract, express or implied, between the State and the purchasers of said lands; also into the legality of the tax on improvements on lands that have not been purchased five years; on Indian grants and on school lands," and have instructed me to make the following

REPORT:

In regard to the taxation of improvements upon lands belonging to the United States, and of improvements upon lands before the expiration of five years from the time they were sold by the United States, the committee find, by a reference to the 4th article of the Congressional ordinance of July 13, 1787, for the government of the Territory north west of the Ohio River, it is provided that "The Legislatures of those districts or new States shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with the regulations Congress may find necessary for securing the title in such soil, to the *bona fide* purchasers," and that "No tax shall be imposed on *lands* the property of the United States." The committee find further, that it is provided in the 6th section of the act of Congress for the admission of this State into the Union, approved 19th April, 1816, and by the ordinance of the Territorial Convention at Corydon, under date of the 29th June, 1816, that this State, in consideration of the donation by the United States to this State, of every sixteenth section of land for school purposes, of the saline lands, of the five per cent. on the sale of government lands, of the seminary township, and of the four sections for the seat of State government—on her part, agreed that "Every and each tract of *land* sold by the United States, from and after the first day of December next, (1816) shall be and remain exempt from any tax laid by order or under any authority of the State, whether for State, county, or township, or any other purpose whatever, for the term of five years from and after the day of sale."

The question now is, what is the proper meaning of the word *land*, as used in the ordinance of '87, and the act of 1816? The committee have no hesitation in saying it must be taken and construed in its legal sense. "LAND," says Sir Wm. Blackstone, "comprehends all things of a permanent and substantial nature: being a word of very extensive signification." "Land," says Sir Edward Coke, "comprehendeth in its legal signification, any ground, soil, or earth whatsoever; and it legally includeth also all castles, houses and other buildings, for they consist of two things, land, which is the foundation, and the structure thereupon; so that if I convey my land or ground, the structure or buildings passeth with it. Land hath also in its signification an indefinite extent upwards as well as downwards. The maxim of the law upwards is: *Cujus est solum, ejus est usque ad coelum*—[Which in plain English means, that he who owns the lands owns all above it up to the heavens.] and downwards, whatever is in a direct line between the surface of any land, and the centre of the earth, belongs to the owner of the surface—so that *land* not only includes the face of the earth, but every thing under it and over it. And therefore if a man grant his *lands*, he grants thereby all his mines of metal and other fossils, his woods, his waters, as well as his fields and meadows. By the name of *land*, which is *nomen generalissimum*, every

thing terrestrial will pass." Such is the legal exposition of the word *land*, as given by standard writers, of binding authority, in this country, as well as in England, whence our common law came. Hence the committee are clear in the opinion, that all improvements upon government land are exempt from taxation, because of the ordinance of '87—and in like manner all improvements on lands sold by the United States, are exempt from taxation for the term of five years from and after the sale, because of said act of 1816, accepted as it was by the Territorial Convention.

So much for the face of the law. The committee do not conceive that they are called upon to inquire into the power of Congress to declare, as they have, in the ordinance of '87, that the new States shall impose no tax on lands—and consequently the improvements thereon—the property of the United States. The Virginia act of cession of Dec. 20, 1783, ceding the territory north west of the Ohio river to the United States, is expressly "upon condition that the territory so ceded shall be laid out and formed into States; and that the States so formed, *shall be distinct republican States, and admitted members of the Federal Union, having the same rights of sovereignty, freedom and independence of the other States.*" The "rights of sovereignty" of the other States, enabled them at that time, and still enables them, to tax all property, real and personal, within their borders, except as the same may be exempted by the constitution of the United States. It might, then, it is conceived, be a grave question, whether the ordinance of '87 could take from these new States the rights of sovereignty so far as taxation is concerned, inherent in the other States. But it is not deemed expedient by the committee, at this time, to take any step calculated to unsettle the established and uniform custom in the North Western Territory for more than fifty years, of not taxing the government lands. If we have the right to levy such a tax, other States in this region have yielded it, under circumstances the same as ours, and we can do it as well as they.

Yielding the right to tax lands, during the first four years after their sale by the general government, was an act of the Convention that framed our State Convention. The wisdom of the bargain by which that right was yielded, may well be questioned. The committee are inclined to the opinion that had the convention made a few simple arithmetical calculations, in this behalf, they might have come to the conclusion that they "had better let it be." But that bargain by its terms is irrevocable by any action of ours.

In regard to the taxation of the Wabash and Erie canal lands and their improvements; and also of Indian grants, and school lands—the committee present the following views: Those lands were never sold by the United States, within the meaning of the 6th sec. of the Congressional Ordinance of the 19th April 1816, providing for the admission of this State into the Union. Hence this State never has received, and never will receive, from the general government as to those lands, the five per cent., the consideration to exempt from taxation. Consequently, said lands must be considered as not included

amongst the lands upon which the State is debarred from levying a tax within five years after they are appropriated by individuals. Such being the facts, the sovereign power of the State warrants her in taxing said lands whenever it may be deemed expedient.

The fact that any of said lands may not be paid out for at the time the tax is levied, does not in the estimation of the committee, at all affect the power to tax. The general government may without question, provide for selling her public lands, within our borders, as the State has provided for the sale of the Wabash and Erie canal lands, to wit: One fourth of the purchase money down, and the residue upon seventeen years time; the interest upon said residue, payable annually in advance. Yet it would not be contended, that the State could not, in that case, levy a tax upon such lands after the expiration of five years from and after the time of the sale or entry, although the purchaser should delay paying out for his land and getting his patent for the full term of seventeen years.

The committee, however, find that on the 1st February 1834, the General Assembly of this State passed an act by which the canal lands, the school lands, and some other lands are exempted from taxation until the purchase money and interest on the same are fully paid out. But the 2d sec. of that act expressly provides that the act shall be subject to be repealed thereafter by the General Assembly, if deemed expedient. All therefore who purchased such lands after the passage of said law, made their contracts subject to its provisions. By the revenue law of the 15th February 1839, the law of February 1834, as to the taxation of Wabash and Erie canal lands, is effectually repealed; inasmuch as said law declares that "all lands" shall be subject to taxation, and then expressly comprehends under the term "all lands," the Wabash and Erie canal lands.

The said law of February 1839, also expressly subjects Indiana grants or reserves to taxation; and the committee do not find that such grants have ever been exempted from taxation. The said law of 1839, likewise expressly subjects to taxation, all school lands sold *after* the passage of that act. The committee are therefore of the opinion that all school lands that were sold *prior* to the passage of said act, are not at this time subject to taxation, because of said law of 1824.

The opinion of the committee then, after a careful examination of the whole matter may be thus summed up:

Improvements upon lands belonging to the United States, like the soil itself, are not taxable, nor can they be made taxable by any act of this State.

The Wabash and Erie canal lands and the improvements thereon, are now legally subject to taxation, and that, too, in the opinion of the committee, without violating any contract, either express or implied, with the purchasers of said lands.

It is illegal and beyond the power of this State, to subject to taxation any improvements upon lands that have not been purchased of the general government five years.

Indiana grants are subject to taxation.

No school lands are now subject to taxation, except such as have been sold *since* the passage of the revenue act of 15th February 1836. And inasmuch as the committee are aware of no reason for exempting from taxation school lands sold *prior* to the passage of said act, they would respectfully suggest that the exemption was an inadvertency of the framers of that act; and that the committee of ways and means in their revenue bill of this year, provide for placing such exempted lands upon the same basis with those sold since the passage of said act.

On motion,

Five hundred copies were ordered were ordered to be printed.

On motion,

The House adjourned until two o'clock, P. M.

Two o'clock, P. M.

The House met pursuant to adjournment.

Mr. Farley moved that the rule be suspended, for the purpose of taking up bill of the House No. 246, for the relief of H. & R. Stewart;

Which motion was decided in the affirmative.

The bill was read a second and third times, the rule being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Nelson of B. moved to take from the table bill of the House No. 28, to regulate the jurisdiction of justices of the peace in Boone county.

The said bill passed the Senate with an amendment; which amendment was concurred in by the House.

Ordered, That the clerk inform the Senate thereof.

Mr. Burke, on leave granted, offered for adoption the following preamble and resolution, which was adopted, to wit:

Whereas, It does appear, that the capital stock in the Richmond and Brookville canal, is taken by individual subscription; therefore,

Be it resolved, That the committee of ways and means be requested to enquire into the expediency and propriety of exempting by law, the stockholders in said canal, from paying tax for internal improvement purposes, until otherwise provided by law, with leave to report by bill or otherwise.

Mr. M'Gaughey moved to suspend the rule and take from the table, the report and memorial on the Cumberland road;

Which motion was decided in the affirmative; when

On motion of Mr. M'Gaughey,

Said report and memorial were referred to the committee on the judiciary.

Mr. Fitch moved to take from the table, the several bills on the subject of circuit courts.

Bill of the House, No. 222, was first taken under consideration; when

Mr. English moved to strike out the word "Scott," wherever it occurs;

Which motion was decided in the affirmative.

On the question, Shall said bill be engrossed for a third reading?

The ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Atherton, Beckett, Bell, Bennett, Burke, Butler, Campbell, Coats, Cooper, Cox, Dunn, Eccles, Everts, Finch, Fitch, Hamer, Jamison, Jenckes, Judah, Lane, Lancaster, Lanius, Lee, Long, M'Gaughey, Milroy, O'Neill, Osborn of C., Parker, Perry, Robinson of J., Robinson of Ripley, Rush, Shiveley, Spann, Wilson of M., and Woodard—36.

Those who voted in the negative were:

Messrs. Allison, Arnold, Baker, Berkshire, Bowles, Buckles, Carleton of F., Clark, Cogswell, Davis, Edmonson, English, Flint, Frisbie, Garrigus, Haddon, Hamblen, Henley, Herriman, Hull, Hunt of J., Hunt of R., Jackson, Johnson, McCormack, McCoy, Miller, Monroe, Montgomery, Moore of O., Moore of V., Morgan, Morrison, Nelson of B., Osborn of F., Osborn of U., Porter, Rippey, Robinson of Rush, Sands, Southard, Stewart, Thompson, Warriner, White, Wilson of W., Worster, Zenor and Mr. Speaker—48.

So said bill was lost.

The amendment of the Senate to bill of the House No. 12, was now taken up and after being further amended, was,

On motion of Mr. Long,

Laid upon the table.

Mr. Everts moved to reconsider the vote, on concurring in the amendment of the Senate to bill of the House No. 28, to regulate the jurisdiction of justices of the peace in Boone county;

Which motion was decided in the affirmative.

Mr. Everts moved to strike out the word "St. Joseph," wherever it occurs, and also strike out the word "counties," and insert "county."

Which amendment was adopted.

Mr. Baker moved to reconsider the vote, taken on Saturday, on the passage of the bill of the House No. 45, entitled "a bill to amend an act subjecting real and personal estate to execution, approved February 4th, 1831,"

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Arnold, Atherton, Baker, Bell, Bennett, Burke, Butler, Clark, Cogswell, Cooper, Davis, Edmonson, Finch, Flint, Frisbie, Garrigus, Haddon, Hamblen, Jackson, Jamison, Jenckes, Johnson, Lancaster, Lanius, McGaughey, Miller, Monroe, Montgomery, Moore of V., Morgan, Morrison, Nelson of B., Osborn of F., Osborn of U., Robinson of J., Robinson of Ripley, Robinson of Rush, Rush, Sands, Southard, Stewart, Sweetser, Thompson, Wilson of W., Woodard, Worster, Zenor and Mr. Speaker—49.

Those who voted in the negative were:

Messrs. Beckett, Berkshire, Bowles, Buckles, Campbell, Carleton of F., Carlton of L., Coats, Cox, Dunn, Eccles, English, Everts, Farley, Fitch, Gardner, Hamer, Henley Herriman, Hull, Hunt of J., Hunt of R., Judah, Lane, Lee, Long, McCormack, McCoy, Milroy, Moore of O., Nelson of M., O'Neill, Osborn of C., Parker, Perry, Perviance, Porter, Rippey, Shiveley, Spann, Warriner, White and Wilson of M.—42.

So said vote was reconsidered.

Mr. Miller now moved to recommit the bill to a select committee, with instructions to strike it out from the enacting clause and insert the following:

“That the defendant or defendants in any judgment which has heretofore been rendered, or which may hereafter be rendered in any court of this State, shall be entitled to a stay of execution for a space of time to be computed from the day of the rendition of said judgment as follows, to wit: If the principal of said judgment does not exceed six dollars, sixty days; if it exceeds six dollars and does not exceed twelve dollars, one hundred and twenty days; if it exceeds twelve dollars and does not exceed twenty dollars, one hundred and eighty days; if it exceeds twenty dollars and does not exceed forty dollars, two hundred and forty days; if it exceeds forty dollars and does not exceed one hundred dollars, ten months; and if it exceeds one hundred dollars, twelve months. Said stay to be taken on judgments not already replevied, in the manner now by law authorized. And whenever execution may be issued on any judgment, on which the replevy for the time heretofore allowed, has been taken, and the time by this act allowed has not expired, it shall be the duty of the officer in whose hands such execution may be to return the same, provided that the defendant or defendants, or some one of them, will execute a sufficient bond, with security, as by law is now required for the payment of said judgment, interest and cost, within the time by this act allowed; said additional replevy to be executed, to be construed, and to have the same effect as replevies now by law have.

“This act to be in force from and after its passage.”

On motion,

The House adjourned until to-morrow morning at nine o'clock.

TUESDAY MORNING, FEBRUARY 4, 1840.

The House met pursuant to adjournment.

Mr. Sweetser presented the memorial of Charles Fitch, containing plans and descriptions of a wheeled carriage, to be propelled by steam or other power on common roads, and to supersede the use of rail roads, &c. praying the aid of the Legislature to put his plan into operation;

Which was referred to the committee on canals and internal improvements.

Mr. Long moved to suspend the previous orders of business and take under consideration bill of the House No. 45, to amend an act subjecting real and personal estate to execution, approved February 4th, 1831.

Mr. Judah moved to amend the instructions offered by Mr. Miller, as follows:

Sec. 2. That whenever the fee simple of any real estate shall be sold on execution, it shall be lawful for the owner of said real estate his heirs or administrators, to redeem the same at any time within twelve months from the day of sale, by paying into the clerk's office the full amount of the purchase money, for which the same was sold on said execution, together with interest at the rate of ten per cent. per year.

Provided, That all junior incumbrances by mortgage, judgment or deed of conveyance, bona fide made before said sale, may redeem said real estate in the same manner said execution defendant could redeem the same, at any time within thirty days after the expiration of said twelve months.

The question was now put on recommitting the bill to a select committee,

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Arnold, Atherton, Baker, Beckett, Burke, Butler, Cooper, Edmonson, Finch, Flint, Frisbie, Haddon, Jackson, Jamison, Jenckes, Johnson, Lancaster, M'Gaughey, Miller, Monroe, Montgomery, Moore of V., Morgan, Morrison, Nelson of B., Osborn of F., Osborn of U., Robinson of J., Robinson of Ripley, Rush, Sands, Southard, Sweetser, Woodard, Wilson of M. and Zenor.—35.

Those who voted in the negative were:

Messrs. Allison, Bell, Berkshire, Bowles, Buckles, Campbell, Carleton of F., Carlton of L., Clark, Coats, Conaway, Cox, Cutter, Davis, Dunn, Eccles, English, Everts, Farley Fisher, Fitch, Foster, Garri-

gus, Gardner, Hamer, Hamblen, Henley. Herriman, Hull, Hunt of J., Hunt of R., Judah, Lane, Lee, Long, M'Cormack, M'Coy, Milroy, Moore of O., Nelson of M., O'Neill, Parker, Perry, Porter, Rippey, Robinson of Rush, Shiveley, Spann, Stewart, Thompson, Warriner, Wheeler, White, Wilson of W., Worster and Mr. Speaker—55.

So said bill was not recommitted to a select committee.

Mr. Hunt of J. presented the preamble and resolutions of the citizens of Milton township in Jefferson county, on the subject of the bill;

Which was laid upon the table.

Mr. Southard moved that said bill be laid upon the table.

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs, Allison, Arnold, Baker, Beckett, Bell Burke, Butler, Cogswell, Edmonson, Finch, Flint, Foster, Frisbie, Haddon, Jackson, Jenckes, Johnson, Lancaster, Miller, Montgomery, Moore of V., Osborn of U., Robinson of Ripley, Robinson of Rush, Rush, Sands, Southard, Sweetser, Worster and Zenor—31.

Those who voted in the negative were:

Messrs. Atherton, Berkshire, Bowles, Buckles, Campbell, Carleton of F., Carlton of L., Clark, Coats, Conaway, Cooper, Cox, Cutter, Davis, Dunn, Eccles, English, Everts, Farley, Fisher, Fitch, Garrigus, Gardner, Hamer, Hamblen, Henley, Herriman, Hull, Hunt of J., Hunt of R., Jamison, Judah, Lee, Long, M'Cormack, McCoy, M'Gaughey, Milroy, Moore of O., Morgan, Morrison, Nelson of B., Nelson of M., O'Neill, Osborn of C., Osborn of F., Parker, Perry, Porter, Rippey, Robinson of J., Shiveley, Spann, Stewart, Thompson, Warriner, Wheeler, White, Wilson of M., Wilson of W., Woodard and Mr. Speaker—62.

So said bill was not laid upon the table.

On the question, Shall said bill pass?

The ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Allison. Atherton, Berkshire, Bowles, Buckles, Campbell, Carleton of F., Carlton of L., Clark, Coats, Conaway, Cox, Cutter, Davis, Dunn, Eccles, English, Everts, Farley, Fisher, Fitch, Garrigus, Gardner, Hamer, Hamblen, Herriman, Hull, Hunt of J., Hunt of R., Judah, Lane, Lanius, Lee, Long, M'Cormack, McCoy, M'Gaughey, Miller, Milroy, Montgomery, Moore of O., Nelson of B., Nelson of M., O'Neill, Osborn of C., Osborn of F., Parker, Perry, Porter, Rippey, Shiveley, Spann, Thompson, Warriner, Wheeler, White, Wilson of M., Wilson of W. and Woodard—58.

Those who voted in the negative were:

Messrs. Arnold, Baker, Beckett, Bell, Burke, Butler, Cogswell, Cooper, Edm onson, Finch, Flint, Foster, Frisbie, Haddon, Henley, Jackson, Jamison, Jenckes, Johnson, Lancaster, Miller, Moore of V., Morgan, Morrison, Osborn of U., Robinson of J., Robinson of Ripley, Robinson of Rush, Rush, Sands, Southard, Stewart, Sweetser, Worster, Zenor and Mr. Speaker--34.

So said bill passed.

Ordered, That Mr. Judah inform the Senate thereof.

Mr. Bowles, on leave granted, made the following report:

MR. SPEAKER—

The committee on the State Bank

REPORT:

That they have investigated the management and condition of the State Board and branches, by written questions, forwarded to each—to which answers have generally been returned. The committee have also summoned from the various branches, and from the State Board, one or more officers or members thereof, and examined them orally, concerning the acts and affairs of their several departments. The testimony is appended to this report.

The present disordered state of our currency, the discontent of the public mind, and the pecuniary embarrassments of the people, induced the committee to devote much time and research, to ascertain the conduct and situation of the bank, and its effects on the industry, commerce, and property of the State.

Perhaps no bank has ever been endowed by government with more liberal privileges—and it is therefore proper to inquire, in the first place, what benefit the community receives in return.

According to the Bank's regular annual report, made at the beginning of this session, the total amount of loans to individuals, both on promissory notes and bills of exchange, was \$3,935,298. From the answers of the branches to the committee, we find that the total number of all the borrowers is only 4,951. This is a small proportion of the adult males in the State, who exceed 105,000. Of those, however, who are borrowers, about 600 persons, being directors and stockholders, have \$1,410,193—considerably more than one third of the whole amount. The same six hundred are likewise additionally liable to the Bank as endorsers and partners of others to the amount of \$1,246,960. So that the total of loans and liabilities of the directors, together with about half the stockholders, is \$2,657,153, and if we add to this sum for one branch, which does not answer as to the liabilities of the stockholders, the proportion of that branch, the amount

will be \$2,787,869, or nearly three-fourths of the entire loans of all the branches.

In a report to the last session by the bank, it is stated that about one half of the private stockholders borrow little or nothing, and supposing that proportion to be still substantially the same, it now appears, that the holders of the other half of the private stock, amounting to between six and seven hundred thousand dollars, have become borrowers of \$1,410,193, and liable as endorsers and partners for \$1,246,960 more, and adding to their total liabilities, the proportion of one unanswering branch, the result is \$2,787,869, or more than four times the amount of their stock—their own loans being more than double of that stock. It is unknown to the committee how many of the directors elected for the branches by the State directors were holders of the stock, but this is of little consequence in the result, for the total of their loans and liabilities, was but \$273,487, at the time of their election.

Whilst the proportion of loans and liabilities for the stockholders is so large, the directors themselves have gone much farther. All the directors together do not number more than about one hundred and fifty, or one-fourth of the borrowing stockholders. Yet they are borrowers of \$520,057, and liable, as endorsers and partners, for \$568,500, making together \$1,088,557; more than one third of the entire loans and liabilities of the stockholders. It was not of course in the power of the committee to ascertain how much of the amount for which the directors and stockholders have become liable as endorsers, was for their own use. But it will occur to every one conversant with the business of banks, that arrangements for that purpose are frequent, the endorser sometimes getting half the loan, sometimes more, sometimes less; whilst a loan to a partner of an endorser is, of course, in most cases for their joint benefit. The answers of the branches show, that they have received as borrowers more than one third of all its loans, and if we add what they have individually obtained as partners and endorsers, the sum could not be much less than one half of the entire loans of the bank to individuals. The answers of the branches show that 527 stockholders are borrowers, out of 1,146, the total number of the bank. Adding the proportion for one of the branches that did not answer, and allowing for directors that borrow who may not be stockholders, and the number will be about 600, who thus receive one half of all the bank loans—or more than one hundred thousand citizens besides.

The total number of all who borrow of the bank is however but small, whilst those who receive about half her favors, are so very few—and the inequality of the system over the State will appear still more striking, if we consider the locality of the loans. The 13 towns in which the branches are located, receive about 1,750,000, the answers from two of them being somewhat indefinite. It is customary with some, if not all the officers that answer, to consider the borrower on a bill of exchange to be the acceptor, and as he lives at a distance, the loan is out of the town and county. But wherever a

bill of exchange is drawn on time, the drawer is generally the borrower. Making however very little allowance for this, the total loans to these few towns whose aggregate population cannot exceed 30,000 persons, is more than the entire share of the state besides, or twenty times the proportion to which they are entitled. And the counties in which those towns are located obtain about one half the residue of the loans—after the towns. Thirteen of the counties thus secure about three-fourths of our bank credit, leaving the other fourth for the remaining seventy-two. This inequality does not result from a corresponding difference in the wealth or population of the counties. In the second bank district, for instance, the loans, both on notes and bills of exchange, amount to about \$190,000, one half of which is confined to the town of Lawrenceburgh alone, and one fourth more to the county of Dearborn, leaving the remaining fourth for the other counties in that district, consisting of Franklin, Switzerland, Ripley, and Decatur, whose aggregate population and wealth, would be at least twice as great as Dearborn alone.

Thus it appears that the favors of the bank are confined exclusively to something less than one twentieth of the people of the State,—that half the amount is enjoyed by six hundred of the stockholders, amongst whom the directors have the lion's share, and furthermore, that one half the discounts are confined to the thirteen towns in which the branches are located, whose population bears but a very small proportion to that of all the State—and that three-fourths of the entire facilities of the Bank are limited to 13 of the counties, or less than one-sixth of the whole number.

But even this is not the most striking view of the partial management of the bank.

The committee sought to ascertain in what proportion the loans were distributed to the various classes of the community. And for that purpose inquired of the banks what had been the loans to farmers or producers,—to merchants,—and to mechanics and manufacturers. Two of the branches did not answer, and several are vague and indefinite—whilst some include produce merchants amongst the producers. Taking the answers however as they are given, and allowing for the unanswering branches, the same proportion of the others, and the result is, that the merchants have \$1,527,371, the mechanics and manufacturers, \$710,304, and the farmers and producers, 1,012,844. The total to these three classes is only 3,250,579, which is 684,779 less than the entire loans of the bank to individuals. And as these three classes comprehend all but professional men and a few others, whose discounts would not probably amount to as much as that balance, it is probable that some of the branches have left out of consideration their bills of exchange. And as these are generally used by merchants, the amount to be added to their loans, would make them more than half of all now due the bank. Whilst if some allowance be made out of the amount set down to the farmers or producers, for what is given to produce merchants, the actual loans to farmers, would not exceed one-fourth of the total amount of money borrowed

from the bank by individuals. Now, the farmers constitute about three-fourths of the people of the State, and possess a corresponding amount of its property—yet receive but one-fourth of the State Bank credit. Whilst the merchants, not much more than one fiftieth in number, enjoy about twice as much as the farmers.

We are aware that some maintain the opinion, that bank discounts *ought* to be chiefly confined to merchants and men of business—that they are more punctual in payment, and more sagacious in the use of money, and of credit. We think otherwise. The greater part of the merchants of this State are importers of dry goods, and other commodities produced abroad; and it must be obvious to all, that our imports are always tending to excess, and that one great cause of our present embarrassment, is the heavy debt contracted to merchants for goods, much of which was for articles of show and luxury, beyond the wants and the ability of the community. The merchants have evidently been able to import these large quantities of goods, and to sell them on credit, in consequence of the extraordinary amount of loans they have received from that bank. For with the fund thus obtained by them of the bank, they have been enabled to make large additional purchases on credit abroad. The effect has been to stimulate a love of indulgence and display, and to increase the consumption of the country beyond its production. The State therefore is impoverished, the habits of the people vitiated, by the policy of stimulating the import trade of the State by bank credit. Our own experience must satisfy us, that at no time, even when credit and money were the scarcest, did the people of the State suffer from want of foreign merchandize. On the contrary, the mercantile business is more frequently and generally overdone than any other, and however great may be the failures and disasters of one year, the next both merchants and merchandize will be sufficiently plentiful. The mercantile business is so attractive, the notion is so prevalent, of its being a mode of getting rich without labor, that there is an unhappy tendency in other classes to rush into that. True policy therefore demands, that no additional encouragement should be given by public institutions. Whenever the results of that business have been investigated, it has been found, that even in those portions of the union, where credit has been most cautious, and prudence most prevalent, a large majority of the merchants are losers; and we believe that at this day and in this country, if the amount of capital heretofore invested in that business could be ascertained, it would be found to have produced less increase or profit than any other mode of investment. It is not we think true, that farmers are less punctual in paying their bank debts than merchants. The latter, living more convenient to the branches, can conform to the *modes* of banking more easily, can renew their paper from time to time, and thus with the appearance of punctuality, and by reducing their debt one day to increase it the next, contrive to secure permanent accommodation. We think it probable that a much larger proportion of the loans to farmers, have actually been paid up than those to the merchants. It is likewise due

to the farming business to say, that it is the only one that can be uniformly relied on for profit, on the capital and labor employed, and benefit to the State—and is therefore the one above all others, to which credit may be extended with the utmost safety and advantage. If the million and a half of discounts now invested in foreign goods could be devoted to increase the live stock, and extend the tillage of the farms of the State, who can doubt, that it would produce more of private and public prosperity, than can be expected from its present use. Such an application of bank credit would be even more profitable to the State, than the purchase of bills of exchange on shipments of produce, which is the most lucrative and most favored business of the bank. For the produce business of the west and south is of all others the most attractive to eastern capital. It generally yields a better profit than any business there, and the returns are made to the place where the capital belongs. Every year, therefore, in ordinary times, large amounts are devoted by eastern capitalists to the purchase of western and southern produce in our own markets. And this capital naturally seeks for the least competition. If, therefore, we were to apply our own credit and capital to the production of our great staples, we would derive all the advantages resulting from the annual employment of so much money amongst us from abroad, and would have a much greater amount of surplus produce for sale, whereby to increase our permanent domestic wealth. The banks, indeed, would realize less profit in consequence of relinquishing the heavy rates of exchange now paid them by produce merchants, and which are in fact levied upon the producers themselves. But they would acquire equal facilities for sustaining their circulation and equalizing the exchanges, by thus having eastern funds, so much sooner, than when they must await the sale of our produce at the ports of destination. And if the amount of capital thus available to us were insufficient to effect the shipment of our surplus produce, the residue might be supplied from the banks at home. It may be thought by some, that even in a country so generally agricultural as ours, banking capital is inapplicable to the farming interest. But it has been found by the experience of the Scotch banks, that such institutions devoted to that business have been the safest and most useful of all. The Scotch banks have been distinguished above all others for prudence, credit and success as well as for the extraordinary facilities rendered by them to agriculture. It is far from the wish of the committee to institute invidious comparisons between different classes of citizens. It is their complaint against the bank for that course, for its extreme partiality to the merchants over the farmers, that rendered a consideration of their respective claims, here necessary. Besides, the question is not whether the farmer shall have credit from the bank, but whether he shall receive it directly from the bank itself, and in amount, or whether he and his wife and daughters shall get it through the merchant, and in the shape of merchandize.

The benefits of the bank having been confined to so small a number of the persons, counties and towns in the State, and devoted to the

promotion of a branch of the business of the community, which is neither the most profitable, nor the most wholesome, it becomes important to inquire into the causes of this course. Our bank is substantially a government over the industry, credit, commerce and property of the people. There are about one hundred and fifty directors equal to the number of Senators and Representatives. There are about forty officers, (presidents, cashiers and clerks,) whose aggregate salaries amount to about thirty seven thousand dollars exceeding in number and pay of the executive and judicial officers of the State. The political power of the State however is delegated by one hundred thousand voters, or rather by a majority of them; the total number of stockholders is 1146, but according to the present distribution of stock and mode of voting prescribed in the charter, a majority of the votes for directors is given by 229 men. There are 643 holding stock to the amount of \$500 and under, 195 over 500 and under 1,000; 242 over 1000 and under 5,000; 41 over 5000 and under 10,000 and fifteen over \$10,000.

Assuming that the first class average four votes, and the last average about \$16,000 of stock each, and that the intermediate classes hold an amount midway between the two sums under which they are classed, and it will be found that the money power of the State—the control over the \$1,262,000 of State stock, the \$1,333,221 of private stock, the 2,000,000 of circulation, with all the credit, property, labor and hope depending on them, is in the hands of two hundred and twenty-nine men. And if we consider that considerable amounts of stock held in the name of several persons, such as minor members of families, are voted by one, it will not be saying too much to suppose, that this vast power is actually at the control of between one and two hundred persons. The number of the directors is about one hundred and fifty, so that we may conclude, that they have the power of continual re-election of themselves, or their friends, and the maintenance of their policy against all opposition.

The State is entitled by charter to the election of four directors and a president of the State board, but these do not form one third of the whole number, and consequently may, in any case be outvoted, where the interest of the private stockholder comes in conflict with the public. The State directors appoint three members of each branch board, and these again are in a lean minority without power. So that the State owning one half the stock, and conferring the privilege of a circulation of three millions is in fact powerless in the management of the Bank. Private stockholders, then, holding a majority of the private stock, and not numbering, as we have shown, perhaps two hundred men, have the absolute control. And this explains the present condition and policy of the Bank. Hence it is, that its favors have been so greatly circumscribed to their own neighborhood—to their own class—to themselves. And this does not seem to be a temporary or transient condition of the Bank; but permanent and habitual. In a report made by it to the legislature of last session, it is remarkable that the amount of debt then due from stockholders

was \$1,408,071, almost the very same as the present. The loans of the directors were then \$493,549—something less than now. The liabilities as endorsers and partners were not stated. We understand that since that report the number of the directors in the branches has been reduced, so that there are now two less in each than before. This ought to have lessened the liabilities of directors, in proportion to the reduction of number, even though the Bank had not made requisition of a single dollar. But in the meanwhile two other branches have been established, and the commencement of their operations, presents a fine illustration of the system. The private stock of the Michigan City branch, which went into operation last year, was \$40,000, according to the report of Nov. 16, and directors are borrowers to the amount of \$28,890, and the other stockholders \$11,580 making \$40,470, or more their stock already. The same directors are liable as partners and endorsers for \$56,872, more, and the other stockholders \$10,620: the directors alone being already liable, as borrowers, endorsers and partners for more than double the total amount of all the private stock. The South Bend branch is a still more striking specimen. The private stock on the 11th November last, was \$31,171. And the liabilities of the directors are now, as borrowers, \$49,337; that of the other stockholders \$90,807 making together, \$140,144, or nearly four times their stock. The other liabilities of the same directors, as endorsers, and partners is \$41,237, and of the other stockholders \$62,367; so that the total liabilities of the directors and stockholders of this branch is \$243,748, or nearly eight times their stock. And it is remarkable that this is more than \$70,000 beyond the entire amount of all their loans on the 16th Nov. last, it being but little more than six weeks from the date of that report, to the answer of the branch to the committee.

From the present condition of the Bank, from its own report more than a year ago, and from the manner in which new branches are organized and managed, it would appear that the holders of a majority of the private stock have in fact paid for that stock in their own promissory notes, and thereby acquired enough to control the bank, and then borrowed out twice as much besides. They gave their notes, at 6 per cent., in exchange for a stock that pays in dividends and surplus about twelve per cent., thus realizing a regular annual profit or income of \$18,900, for the term of the charter. Such an income for twenty years, amounts to a clear speculation of \$378,000. But this is not all. They borrow, over and above what pays their stock, about a million of money, at say, an average of seven per cent., when in this country the usual rate is ten. This difference of three per cent. on a million for twenty years is \$600,000 more, which, added to the other, is a clear speculation of nearly a million, made by these few stockholders on the State, by the mere cunning of securing a majority of the private stock in the bank for their own promissory notes, renewable continually. Such a course however is not peculiar to the stockholders of our bank, nor are we to consider it a stain on their characters, as men.

It has been the case with banks generally throughout the country. The charters of almost all the banks that have been created for the last twenty years, require the capital to be paid in specie. And it may be done on the day the bank goes into operation, but immediately the specie is reduced, by the loans that are made to an amount deemed sufficient for the basis of circulation, and its place is supplied by the notes of the borrowers. A State Bank however like ours, presented peculiar facilities for such management, and it is remarkable, that although the State furnished the specie to pay for its own stock, and more than two hundred thousand dollars of the private stock besides, yet the *average* amount of specie in the bank from the beginning is not equal to the state stock alone, although there was at one time, more than a million and a half of U. S. deposits in the bank besides. What then must be said of a charter, which confers on the holders of a little more than half a million of stock, the power of securing to themselves without actual investment of money, a clear speculation of a million of dollars, and the distribution amongst themselves, their friends and favorites, their own department of business, their own towns and counties, of three fourths of the entire capital and credit of a great State Bank. This has been done, without violating the letter of the Charter, but in gross violation of its spirit, meaning, and intent. The bank however has twice clearly, violated the letter as well as the spirit of the Charter. First in 1837 when it was excused by the Legislature, and again in the month of October and November last, every branch in the state except three (Michigan city, Fort Wayne and South Bend,) once more suspended specie payment, and that suspension received the recorded sanction of the State Board.

The 8th section of the Bank Charter declares, "That the said bank, shall not any time suspend, or refuse payment in gold or silver, of any of its notes, bills, or obligations due or payable, nor of any monies received upon deposite; and if said bank at any time refuse or neglect to pay any bill, note, or obligation issued by such bank, if demanded within the usual banking hours, at the proper branch, where the same is payable, according to the contract, promise or undertaking therein expressed, or shall neglect or refuse to pay on demand, as aforesaid, any monies received on deposite, to the person, or persons, entitled to receive the same, then, and in every such case, the holder of any such bill, note or obligation, or the person or persons, entitled to demand or receive, such monies as aforesaid, shall respectively be entitled to receive and recover interest on their said demand, until the same shall be fully paid and satisfied, at the rate of twelve per centum per annum, from the time of such demand, as aforesaid, and any branch, so failing to meet its engagements, may be closed as in case of insolvency."

This section then, which is the most important in the whole charter, has again been deliberately violated—and such was the natural consequence of the previous management of the bank. Governed by a very few, lending its credit to a few, conferring the great part of its loans, to a particular class, to a few towns and counties, it became

difficult, when a change of times occurred, to collect even a small amount of its debts to meet the demands against it. And it was of course not only the interest, but the salvation of the directors to suspend, being themselves liable, as principals and endorsers, to the amount of a million of dollars.

The suspension however is thought by some excusable, and by others commendable—and it has been defended as a measure of policy, —of necessity.

On this subject, much vague, indefinite, and inaccurate statement is made, and loose fallacious reasoning resorted to. The suspension is ascribed to the advances of the bank, on the public works, amounting to \$655,000; but if that would embarrass the bank, how much more would the permanent loan, of more than twice that sum, to the stockholders; if one be cause of suspension, why not the other? and which the principal? And if the State have any right to borrow money at all, of the bank, she could certainly claim, at least half of the loans made to private stockholders, since her stock amounts to as much as theirs, and was actually paid in specie, and not promissory notes. Besides the payment of money on the public works, in their immediate vicinity by the branches, enabled them to collect a large proportion of it back again from the debtors, who could not otherwise have paid. It will also be contended, that the failure of the State in obtaining her loans for internal improvement, and for increase of bank stock, (on both of which the bank relied as a means of sustaining her circulation,) was a sufficient cause of suspension. This is a specious and plausible excuse, but results from a total misconception of the subject. The circulation of the State Bank ought not to have been increased, even if that money had been certain; for our State circulation was large prior to the negotiation of those loans. The prices of produce were high. Pork had sold in our neighboring markets, at between six and seven dollars per hundred; and this at a short period after the resumption of specie payments by the western banks. This was a clear indication that both currency and credit was sufficiently abundant,—that prices were already high enough, and, as afterwards appeared, much too high for profitable exportation. To prudent and sagacious men, it ought to have been reason for a restraint and contraction, and particularly when it was considered that heavy expenditures were at hand, on works of internal improvement, which would inevitably make at least a temporary expansion in the currency, increase the price of labor, and the cost of constructing the public works, besides the stimulus to private enterprise and speculation. The prospect, therefore, of realizing our foreign loans, ought to have dictated contraction rather than expansion of our currency. Yet the bank actually increased her circulation, to a considerable amount, as we must infer from the fact, that now after all the contraction, that subsequently occurred before the last suspension, the circulation is still larger than by last year's report. But it will be insisted that although the bank might have been unwise and imprudent in permitting so much circulation to go out, she was certainly justifiable in suspending when

the change came on. It is alleged, that a continuance of specie payment would have caused an excessive reduction of the money in common use, would have prostrated the price of property and labor, and produced wide-spread ruin. Here, again, the reasoning is very indefinite, and declamatory, and inconsistent. The branches tell us, that they suspended chiefly against foreign brokers and bankers. If this be true, how does the suspension affect the circulation at home? These foreigners do not throw our paper into circulation in the State, on the refusal of their demands by the banks. They take the notes back, or arrange in some other way with the branches, to take them up, and they are as much withdrawn from circulation, as if redeemed in specie. It is difficult to know what would have been the actual reduction of bank circulation without suspension. The Ohio banks have, with a slight interruption, continued to redeem their paper, and have been compelled to curtail their circulation from about six millions, at the time our banks suspended, to five millions, in the beginning of this winter. If our bank, whose circulation at the time of the suspension was three millions, or half that of Ohio, had been subject to the same proportional demand for specie, she should have paid out only half a million, up to the sitting of the Legislature, which is only half of what she had on hand. Thus the observance of her faith and her charter, would have caused but a very slight additional scarcity of money, and only half her gold and silver; for the notes presented for redemption, coming from the adjoining States would have had but little effect on our supplies at home. As for the deposits, they are but small; and would have caused but little drain on the bank. It is however alleged, that if the bank had persisted in redeeming her paper, she would have been compelled to oppress her debtors, and through them the community. We have shown, that she might have refrained from extracting from them more than she has done, and yet have redeemed her returning circulation, without parting with more than half her specie. For we do not suppose that the foreign debt of Indiana was more in proportion than Ohio. But admitting that it would have been necessary in maintaining specie payments, to reduce the discount. What would have been the effect? If that reduction had amounted to half a million, and had been apportioned amongst her debtors, according to the amount of their respective loans, the directors themselves would have been required to pay up within two months, about \$450 each, on an average; the other stockholders about \$300 each, and the other remaining debtors to the bank, about 4,300 in number, only about \$65 each. It must be clear, that the directors were far more anxious about themselves, than the other borrowers, and that to avoid the requisition of \$450, or about one-eighth of their debt to the bank, and the risk of having to pay the instalments on their liabilities as endorsers; which is the utmost that a continuance of specie payment required, they deliberately resolved to violate the charter, and the sacred faith of the bank.

But it has been by some imagined, that a refusal of specie payment is not a violation of the charter. That the bank only becomes liable

for the payment of twelve per cent. interest to the note holder, and that this is the penalty, and the only one, of such a course. If this were the case, the section ought to have made the alternative a proviso, which is the usual mode of expressing one. But the language of the section is positive, imperative, and unqualified. And afterwards the indemnity is put in for the bill holder, so that whilst the State is taking the tedious process of investigation, the needy bill holder may not be without remedy. But if the payment of twelve per centum on all paper presented for redemption, were all the legal obstacle to suspension, it would have no preventive effect whatever; for in this country, money in time of pressure, quickly rises above twelve per cent. interest, so that it is not for the advantage of the bill holder to demand the specie, as in order to secure the interest, he must forego the use of his money. Accordingly, the banks never have, in either suspension, been compelled to pay interest on any amount of consequence. And if such a construction were entertained, there would not be any guarantee whatever in the charter against suspension, and no practical mode of compelling the bank to observe her obligations. The section of the charter which solemnly pledges the faith of the State never to authorize a suspension, would be a mere unmeaning and delusive profession.

The charter having been clearly violated, the committee think the duty of the Legislature is clear, and when the causes and circumstances are considered, that combined to produce the suspension, that duty becomes imperative. The 26th section of the charter provides that the Legislature may at any time appoint an agent to examine the bank, and that when any agent as aforesaid, shall find and report, or the Governor of the State shall have reason to believe that the charter has been violated, it may be lawful for the Legislature to direct, or the Governor order a *scire facias*, to have a judicial examination and judgment of the case.

The committee having seen that so many of the branches had violated the charter by suspension of specie payment; and having also ascertained that their management and policy in the distribution of discounts, for a long time, tended naturally and inevitably to such a catastrophe, examined into the course of the State Board, in relation to them, it being clothed with power and enjoined by the charter, to regulate and control the branches, so as to confine them to their duties. But it appears that but little *effective* action of the State Board in relation to the great habitual abuses of the branches has transpired; and the State Board, as we have before stated, did, by a resolution in November last, substantially authorize the branches to suspend, at their own discretion.

The 44th section of the charter, provides that the State Board "shall have power, whenever they shall ascertain, in any manner, that any branch is insolvent, or is mismanaging its affairs, whereby the interest of the other branches is endangered, or that a branch hath violated any of the provisions of this act, or any other act binding upon them, or that any branch has neglected or refused to comply with any

legal order or direction of the Board of Directors of the State Bank, and it is hereby made the duty of said board forthwith to suspend the business of such branch, and the power of the branch directors over the same, and if the interest of the State, or the safety of the other branches requires it, to close up the affairs and business of said branches entirely," &c. Surprized that such ample powers had not been effectually exerted, for the correction of such great and gross abuses, as had long prevailed, the committee inquired of the President himself, in order to ascertain his construction of the charter, whether any of the branches had violated it. His answer was a vague, evasive, and technical negative. They inquired whether a branch could violate the charter—he answered, not so as to cause a forfeiture of the whole instrument, but admitted it might forfeit its own privileges. They then wanted to ascertain what the State Board considered its duty, in such a case. The answer was, "to suspend the branch and close up its affairs, if the interest of the State, and the safety of the other branches require it;" professing to quote the charter, but not quoting it correctly. That section of the charter, as we have seen, makes it the duty of the State Board, without any qualification whatever, "to suspend the business of said branch, and the power of branch directors over the same," and then if the interest of the State, or the safety of the other branches required it, to close it up." Nothing could be more clear and explicit than the words of this section, and yet, through all the multiplied and protracted abuses of the branches, this solemn duty of the State Board has never been exercised in a single instance. The Board ordered a *scire facias* against the Lafayette branch, on more questionable authority, and for much more trivial cause, than existed in many other cases.

Besides the favoritism and bad policy that led to suspension, other evils were common in a number of the branches, and known to members of the State Board, that never received the official notice of that body. The practice of paying out notes under the denomination of five dollars, issued from banks without the State, is a violation of the charter, and debasing to the currency of the State. Sec. 22 declares that "no note shall be issued of a less denomination than five dollars; and the legislature hereby reserves the right at any time after ten years, to restrict and prohibit the circulation and issue of any note for less than ten dollars." Nothing could be more plain. Yet a number of the branches have disregarded this section with perfect impunity. It ought not to be pretended that the Legislature designed to restrict this section to the notes of the bank itself, for certainly if a small note circulation were desirable in this State, it were better that the citizens should have the guarantee of our own bank, than of remote, obscure and often irresponsible institutions, and also that we should receive the profits resulting from such a circulation. To leave no doubt on this subject, there is an express statutory prohibition of the use of such paper. It will also be seen by the testimony, that several of the branches have, and the Bedford branch has very lately too, been in the practice of purchasing promissory notes at enormous

rates of discount, sometimes as high as 30 per centum, and thus violating the 13th section of the charter, which declares that "said bank shall be entitled to charge and receive for moneys loaned, six per centum per annum, and not higher, but the same may, according to bank rules, be discounted and taken in advance out of the sums loaned. This practice is however defended by the bank, under the general privilege conferred in the 5th section, of buying promissory notes. But the two sections do not conflict; and if they did, it is a plain rule of construction, that a general power is limited by a specific limitation to the extent of that limitation. The bank therefore may buy promissory notes, according to the 5th section; but according to the 13th it is not entitled to charge or receive over 6 per cent.

The State board see nothing illegal in this practice, but consider it impolitic. The Bedford branch however, thinks it very politic to take 30 per cent. instead of 6, and stoutly maintains both in theory and practice, her own profound views on this subject, as paramount to the declaratory abstractions of the State board.

The testimony will show a considerable difference in the condition and management of the several branches, some of which have been managed with more equality and wisdom than the rest, and thereby proving that the evils of which we complain, are not matters of necessity, but of permission and design; as will be more clearly manifest by examining the situation of some of the others. The branch at Lawrenceburgh, the constant opprobrium of them all, was reduced in the month of December last in her specie to \$12,986, with a circulation, according to the report a month before of \$308,290. The least specie and the largest circulation of all. It is remarkable too, that this bank had a certificate of deposit for \$30,000 in the Urbana Banking Company of Ohio; an institution which, according to the report of the bank commissioners of that State, is among those in the most questionable condition. Such is the natural affinity between kindred principles.

The State Board has exercised a loose supervisory power and used towards the branches, the language of a weak, indulgent and incapable parent, who scolds her children, indeed, and threatens, and then lets them do pretty much what they please. It is true that the President and State Directors are only a minority in the Board, and could not of themselves carry any measure. But they might do their part. The President however informs us in last session's report, that the board decided with unanimity on almost all matters submitted for its action. And in the same report which exhibits the debts of directors and stockholders to be about as large as at present, he thinks the "condition and business of the bank must be satisfactory to its friends and the public generally." The State Board do not appear to have understood the extent or the importance of their powers, their obligations to the State, or the extent and importance of the abuses constantly going on before them. Although the President of the State Bank, who is at the head of that Board, and whose responsibility for its action is greater than any other man, travels through the State to

examine its affairs. The President of the Bank has likewise conducted the negotiation of the loan for increasing the bank capital, and for that purpose has been several times abroad within the last year. As he acted in this capacity under an amendment of the charter, and for the benefit of the bank, the committee deemed themselves authorized, and required, after investigating his management of affairs at home, to look also into his foreign policy.

A negotiation was made with the Morris Canal and Banking Company, for the sale to them of a million of our State bonds, the amount of which we were to receive in ten monthly instalments, beginning in September last.

At the time of this agreement, the President admits that the stock of this company was at a discount in the money market of forty-four per cent., and that he did not know that it had made any dividends for more than a year before. That three-fourths of its capital was invested in an unprofitable canal, which was mortgaged for the payment of a foreign debt, to the amount of three quarters of a million. He was also aware that the company had already contracted heavy engagements to the State by the purchase of our bonds for carrying on the public works. And that it had also similar subsisting engagements with the State of Michigan. These liabilities of the company prior to the sale of our bonds for the State Bank, amount, as near as the committee can learn, to more than the market value of the company's stock at that time; and to this the President of the State Bank added a million besides. And this at a period when the times had assumed a critical aspect, when money was becoming scarce, and embarrassments were threatening and thickening over the country. Before the day came for paying the first instalment the company gave notice of its inability. Then followed an arrangement for the return of half a million of our bonds, and an extension of credit to the company on a considerable portion of the balance for ten years. But even the bonds could not be returned according to the second agreement, and a third has at length been consummated, by which the State grants five years for the payment of the heaviest instalment, and takes for security, the stock of unfinished rail roads, of suspended banks, and of wild land speculating companies. The stock of the Schuylkill and Susquehanna rail road is invested in a work, now lying unfinished, and on which perhaps the wild grass will long flourish before the locomotive. The stock of the suspended Alabama and Mississippi branches, is of course invested in plantations and negroes, of whom some will fall to the sheriff, and some be borne away to Texas, whilst the stock of the Apalachicola Land Company is in the ill-fated territory of Florida, where the Alligator and the Seminole maintain divided empire.

Such is the result of the foreign policy of the President of the State Bank. Whilst at home her stock and circulation are invested in promissory notes, secured by dry goods and by property whose value is to some extent based on the prospect of completing a system of internal improvement now lying scattered and deserted throughout

the wastes of woodland still within the territory of our State; a large part of the money having gone eastward in the hands of our merchants, giving them facilities for contracting heavy debts there, which are now pressing upon us at home, draining our currency, paralyzing our industry, property and credit, suspending our bank.

The 33d and 35th sections of the charter, which provide for the election of the President and the four State directors, provides, also, for their removal by joint resolution of the General Assembly. The committee feel it to be a painful, but yet an imperative duty, to advise the exercise of this power in relation to the President and the two directors elected prior to the present session. Their case seems to be of the very kind contemplated by the charter, since no judicial investigation is required. Their intentions have no doubt been good. But for a position, where powerful interests of others are to be resisted, neither good intentions nor even good abilities will answer, unless allied with energy, decision, firmness of purpose and devotion to fixed principles. We take pleasure in saying, that it is from no evidence or suspicion of dishonesty or corruption on their part, but of that facility of temper, mismanagement, and neglect of duty, by which the bank has been permitted to go on, until it arrived at the condition in which it is now found. The committee accordingly report a joint resolution to that effect.

It must, however, be manifest, that a President and four members of the State Board, however wise and firm and faithful they might be, would be powerless in a body consisting of eighteen members, thirteen of whom are the representatives of the private stockholders, of an antagonist interest. And that in every effort for reform, they must encounter that combination. Accordingly all reform must still depend on the pleasure of the private stockholders.

And we have seen what is to be expected of them. And independently of the action of the State board, altogether, and after they have been vigilant and judicious in all their measures, great discretion is still reposed in the branch boards, where the same preponderance of private interest prevails. And this interest acts uniformly, as we have seen, first for the directors themselves, then the stockholders, the merchants, the towns and their own counties, leaving the rest of the State and people without favor.

And the question now is, whether the bank is to remain in such a condition? And are the five millions of capital provided for in last year's amendment to the charter, to be added to the bank, all to be subject to the same control, and applied in the same manner? We have seen how much regard the private stockholders have for the interest of the bank, now when they own half the stock. How much would they be disposed to promote it, if the total stock amounted to seven millions, and they owned only one seventh? The answer is plain. The prospect for the future, then, as well as our experience of the past, would vindicate the policy, as well as right of a forfeiture of the charter. It is true, however, that at a time like this, when the

revenue and resources of the State can hardly be made sufficient to preserve its faith and carry on the government; and when so much pecuniary distress prevails amongst the people, the withdrawal of the bank would divest the State of the profit resulting from the dividends, and produce increased embarrassment in the community, by contracting the discounts and circulation. It has occurred therefore to the committee that the charter might be so amended, as to correct the present situation and tendencies of the bank, and prevent its lapse in future, into similar evils.

Let one half of the capital provided for in the amendment of last session, be added by the State, and the other half by individuals—those counties having preference, where there is now little or no stock. This would correct the action of the branch boards, together with an additional provision that one half of the branch directors shall be elected by the State board. And in the State board itself, one half the members ought to be elected by the General Assembly, the other by the private directors of the branches. Thus the interest of the State and of individuals being equal in the bank, their representation would be equal. And if party or political feelings were introduced on one hand, or private local interests on the other, they would be mutually counteracted. Ambition and avarice being endowed with equal power, would be enabled to provide alike for the profit of the bank, and the accommodation of the citizen.

It would now be impracticable to sell State bonds for the increase of State stock proposed. This is not required. Let the State transfer her bonds to the bank for the increase, as it is made successively from year to year. These bonds bear 6 per cent. interest; and the bank could retain them until a favorable time arrives for converting them into cash. This was the course taken in the establishment of the United States Bank, not only in paying up the government's share, but a large proportion of the individual subscriptions. And at that time United States stock was of less value and convertibility even than ours is now. The same course was taken by Kentucky, in the establishment of her present State banks. And the Kentucky bonds bear only five per cent. interest; yet these banks have uniformly declared good dividends since their creation.

It could not be expected, either, that individuals could now pay in the cash for a corresponding amount of private stock. Neither would this be requisite. Let them give a mortgage on real estate, of double the amount of the stock subscribed for, payable, the principle in five years, and the interest semi-annually. Let no real estate be taken except what is improved—no land of which at least one sixth is not in cultivation. And let all buildings and destructible improvements thereon be excluded from the valuation.

Can any objection be made to such a mode of creating bank stock? It is better than the present stock of our bank, or of any other banks in the country. The present capital and circulation of our bank amounts to more than five millions; one million of which is now in specie, the other four millions chiefly in accommodation notes, of a

few hundred individuals, the principal security of which, as the bank officers themselves almost uniformly tell the committee, is in their real estate. The difference therefore between their stock and that which would be thus created is, that the one is secured by mortgage, and the other not—both are based on real estate. And such is the case in all the surrounding States, and almost every where. The bank capital and circulation of Ohio amount to about fifteen millions, of which two millions are invested by the banks in specie; the other thirteen are substantially secured by real estate, or by other property of less safety and value. And if all our additional stock were paid up at once in specie, it would not and could not profitably remain so invested for a single month. The specie would be gradually and indirectly converted into the promissory notes of borrowers, until enough only would remain to sustain the circulation. For the circulation of a country cannot be enlarged with the bank capital. Circulation is limited to the proportion of currency to property, generally throughout the commercial world. And if one State or people should attempt to transcend that proportion, they only succeed in expelling a portion of their money to other countries. The present bank circulation of the United States is only one third of the amount of bank capital; and our present circulation would be in a greater proportion than that, after the proposed accession of State and private stock.

And our present amount of specie is as we have shown very nearly sufficient to sustain the present circulation. Both could be increased as the commerce of the state required by selling her bonds thus given to the bank. The circulation could not, nor ought not to be more increased, even if ten millions of specie were at once added to the capital stock. The loans of the bank would, of course, at once be extended to the amount of the additional stock if it were paid in specie, and in times like these, could afford much relief if properly made. But the principal effect of the proposed method of increase, would be to equalize amongst the several counties and classes of the state, her bank discounts, by equalizing the power of the bank—without increasing the aggregate of the loans faster than the state bonds belonging to the bank could be sold. It would also equalize in the same manner the profits of the circulation. The annual profits of circulation is the interest received for the excess of it over and above the specie basis. In this state this surplus is two millions, which at six per cent. is \$120,000. One half of this amount goes to the state, the other half to the present stockholders. By the amendment of last winter, which has been accepted by the branches, the entire additional stock was to be owned by the state, to the ultimate proportion of six millions out of seven and one half. The state then would have derived six sevenths nearly of the profits of circulation. The present stockholders will therefore relinquish nothing in accepting the proposed amendment, but the exclusive power of lending the money, which is no sacrifice to them unless they intended to lend it to themselves. Another advantage which the citizens who take the new stock will derive, is the use of a more convertible and available pro-

erty, than they now possess. A man who owns a farm worth a thousand dollars, and who has suffered loss so as to be embarrassed, may be compelled to sacrifice his property, at whatever rate it would bring in his own neighborhood. But if he possessed half the amount in stock which is of uniform value throughout the state, he might relieve himself with but little sacrifice by resorting to other places where capital was more abundant. In this respect the western states are more in want, than any others, and Indiana the most of all. There are four or five hundred millions of bank and other stocks principally east of the mountains, which are convertible into cash, throughout all that country much more easily and advantageously than real estate. And are in one respect preferable to money, that of yielding to the holder a constant revenue. In the south, the whole slave property is likewise removable and convertible through all the extensive territory where it is held. But in the west, and particularly in Indiana, land constitutes almost our whole property, and being irremovable is much less available and convertible than theirs. The consequence is, that our freedom of trade is more restrained than elsewhere, and this could be obviated to some extent, if our proportion of bank stock were greater.

A metallic currency is not now attainable if desired. For if we were to issue no paper, our circulation would be supplied from the surrounding states—who would thus realize the profit and expose us to the evils.

But if it were now proposed to establish a State Bank, instead of having one already in being, with a heavy investment of state capital, and extensively connected with the business and property of the people, under pecuniary embarrassment it would be a very different question. The operations of our bank must confirm the conviction that is prevailing, throughout the country, against conferring either on corporations or government much power over the property of the community.

But whether banks shall flourish or fail, credit must remain—must endure as long as property endures—as long as man is a believer in hope, and dwells in society and has confidence in his fellow man. And in new and progressive countries, with a free and virtuous people credit will flourish the most. For their engagements are most sacred, and the future most fruitful. Whereas in countries that are stationary, or declining, there is but little to hope, and where society is vicious, confidence is impaired. In states like ours therefore credit is natural and beneficial, and although our bank is not the best of systems, in our present circumstances, it is better *if we can amend it*, to preserve than to destroy. But if the bank should reject all amendment, and expect the suffering of the people will deter them from inflicting on her the penalty of the law she has broken, if she expects to maintain her present monied despotism,—she may make the experiment—she may try her strength—but she will find her weakness.

The money power is one of the great marvels of modern society. The progress of civilization over the Globe, the discovery and settle-

ment of new countries, the exploration by commerce of every sea, the rise of the credit system, the great inventions in machinery and the arts, have all added to the power of money, by extending its dominion, over so much more of territory, of population, and of human thought and human pursuit. Even the reforms of religion and government have tended the same way. In abolishing the ecclesiastical and aristocratic distinctions of rank, the ambition and vanity of mankind have been in a great measure concentrated on the sole remaining distinction of wealth. And in a government like ours, where equality prevails, every citizen participates in the struggle for the prize. When therefore a great controlling money power, is organized in a state, it exercises sway over a larger amount of hope, of toil and of thought, than any other, and never can be sustained unless, in conformity with public opinion and public will, it is administered for the general good.

W. A. BOWLES, Chairman,
ELLWOOD FISHER,
JAMES WHITE,
A. L. WHEELER,
O. ROBINSON,
ISAAC STEWART.

*Hon. J. G. Reed, Speaker of the
House of Representatives.*

SIR: Please present to the House of Representatives a communication in reference to the charge against the President and Directors of the State Bank, reported by the bank committee.

S. MERRILL, President.

State Bank, February 7, 1840.

To the House of Representatives:

Your attention is respectfully solicited to a brief review of the report made by the bank committee to the House on the 4th inst. It is the earnest wish of the undersigned to avoid all appearance of feeling and excitement, and to use no language which can be considered unkind or disrespectful, in the slightest degree, to the gentlemen who compose the committee. If, in the hurry of business, and amid the haste of examination into matters with which they are not conversant, they have unintentionally committed mistakes, or done injustice to any one, it will, I trust, be gratifying to them to be undeceived, and to have it in

their power to repair the injustice, before it has produced any ill effects.

The importance of maintaining a sound currency, the deep interest of the State in the bank as the owner of about half its stock, and justice to the persons whose characters are assailed before you, present strong claims for a candid hearing, and a fair allowance for the haste with which this communication is prepared. The necessity is so pressing for an early explanation of the difficulties suggested by the committee, for the correction of its errors, and the denial of its accusations, that it is hoped the circumstances will be a sufficient apology for some imperfections, both of manner and matter. Enough, however, will be presented to show, either that the *facts* alleged to have taken place have been mistaken, or that the *law* supposed to apply to them does not exist, or that the directors of the State Bank have used the proper means for the correction of any errors or misconduct in the branches which have come to their knowledge.

The bank committee, as will be shown, have labored under great disadvantages, in making their examination and report.

Instead of having time or opportunity to investigate the whole subject, their attention appears to have been mainly engrossed by a few matters not particularly connected with each other, and though they have collected some valuable information, yet, as it is of a limited or partial character, it has, in the opinion of the undersigned, led them to a number of wrong conclusions. If the questions to the bank officers had been more general, so as to cover their whole mode of doing business, or if those who answered had been aware of the information desired by the committee, many things would have been so fully explained, as to appear in a very different light from that in which they are now exhibited. Thus, by the remarks of the committee on the loans to directors, stockholders, and merchants, and on the number of bank borrowers, it would seem that they supposed the same persons had the same accommodation for the last five years. If the cashiers had been further questioned on this matter, it would have been shown that there has been more than 300 instead of 150 directors; that the stock so frequently changes hands, that the number of persons who have held it, is more than five times that stated by the committee; that these directors and stockholders, in general, pay the same instalments as other borrowers; and that, though the number of borrowers is only 5,000 now, and may have been about the same three months ago, yet several hundred of them must be new names, occasioned by the paying up of old customers, and the accommodation of new ones. Forty-six persons, none of them in bank on the first of October, obtained loans in the Indianapolis branch, between that time and the first of February.

At the same rate in other branches, the new customers in the whole institution, would be about 2,400 a year. There had been notes and bills discounted in the Indianapolis branch, for more than 1,000 different persons, and the number is no doubt as great in other branches, so that the direct loans of the bank have been to more than 20,000

persons. The indirect benefits of the loans of the bank must have been continually felt by all who transact business, in all their operations.

It is much to be regretted, that the committee did not make particular inquiry as to the persons for whose benefit loans are generally made. If they had done so, they would have found that the payor is generally the borrower, that this has been a subject of inquiry by the examiners of the branches, and though accident or mistake may occasionally place the name of the endorser, where that of the payor should be, yet this is not frequent, nor with any intention to conceal the real debtor: and it is also a matter of regret, that the words "loans," "liabilities," "borrowers," "endorsers," "partners," &c. are so thrown together, that those who read the report in haste, may suppose the real debts of the directors and stockholders to be much greater than they are in fact. It seems scarcely necessary to state, that though endorsers are ultimately liable, yet prudent men who deal in banks, expect to avoid danger from these liabilities. The undersigned and the State Board generally concur in opinion with much of the report relative to loans to merchants for purchasing foreign goods; yet from the general question to the cashiers, and the intimation that produce dealers are to be reckoned as merchants, he is constrained to believe that the calculations of the committee, and their remarks in reference to them, will not be fully understood without further explanation.

A few instances will illustrate the real character of many of the loans to directors, stockholders, and merchants; and make it very questionable, whether much of this part of the report be not founded in error. The Messrs. Earlys at Terre Haute, are stockholders, merchants, and partners, and one of them a director.

When the branch was examined in March last, \$15,000 had been discounted and laid out in produce by them, and the whole was expected to be paid without renewal. N. Smith was in March last a director and stockholder in the Vincennes branch, and was also in the estimation of the committee a produce merchant. His loans of the branch at that time amounted to \$31,510, four thousand dollars more than was due from all the rest of the board. His money was all laid out in the produce of the country, which, when sold, was to be applied to pay his debt to the branch. A similar course has been adopted at most of the branches. At the Indianapolis branch, in November, persons likely to engage in the produce business, were invited to become borrowers; several farmers did so. As there were, however, not sufficient applicants, some of the merchants of the district unwillingly engaged in the business. Seventy-eight thousand dollars was loaned to them—it has been laid out in produce, which is on the way to market, and the branch will be paid in full when the produce is sold. Such are many of the cases which help to swell the amount in the hands of directors, stockholders, and merchants. The most useful citizens of the State may thus be proved guilty of monopolizing bank loans, and held up to public odium. Most of the calculations of the committee could, with a little trouble, be shown to be groundless as that

"a million and a half of the discounts is now invested in foreign goods." The branches which have loaned too much to merchants, are now suffering for their imprudence. Such loans gave no circulation to the paper; they helped to increase the balance of trade against the State, and now debts cannot be collected at once without great sacrifices, both by debtors and creditors. It is undoubtedly the interest of the country, that much indulgence should be shown by all parties concerned. When merchants owe the bank, they have often five times the amount due from the people: one of them, of whom inquiry has been made, has about four thousand debtors, in the branch district he lives in, others have twelve hundred, some seven hundred, some five hundred.

Shall the bank indulge such a creditor, or must he, like the bloodhound on his prey, hold the hundreds who owe him by the throat, until his demands are paid?

There is no doubt some reason for the grave rebuke of the committee, in reference to the loans in the towns and counties where the branches are situated. The capital of the bank has heretofore been supposed to be less than is required by the wants of the country, and therefore customers best known and most convenient, would naturally be first accommodated. But the benefits of many of the loans made at the exporting points extend through the whole branch district. The borrower often takes away no money from the bank, but as he makes purchases, it is taken out on his check by the seller of produce. As the business and travel of a country seek out for themselves the most convenient channels, so banking facilities take the same course.

It is the interest of the bank to have safe and punctual customers, and it can never be long, before those who deserve credit will obtain it. By reference to the law of last session, it will be seen, that it contains a section, (drawn by the undersigned,) which provides for distributing the loans on the new stock among the counties of the district. By examining this provision, it will be seen, that it is an entire and rather astonishing mistake of the committee, (as the law was in their hands,) that there was no security that the loan under the new capital would be fairly distributed through all the counties of the State. On the contrary, it is expressly secured by law—not a law which the committee, by another mistake, say the branches agreed to, but a law which the Legislature made, without asking their concurrence; under the power reserved in the charter, to invest additional state capital "on such regulations as will secure the safety of the same, and make the funds more productive, and guard the rights of those concerned." (See 109th sect. *Charter*.) As this relieves the subject from a great part of the objections of the committee, if they had understood the law of last winter, or the power of the Legislature without amending the charter, they might have come to a very different conclusion.

A considerable space in the report is taken up with statements and calculations as to the mode in which the bank is governed, the officers elected, what influences it uses, how it has disposed of its specie, &c. A brief explanation of the true state of affairs, drawn from an

intimate knowledge of the whole of them, is believed to be a sufficient answer to the speculations of the committee on these matters. That the stock was actually paid up in specie and not in stock notes, is evident from the specie averaging for the first year over \$72,000, when the stock was only \$800,000. It averaged the second year \$1,000,000 when the stock was only \$200,000 more; the third year \$1,200,000, and the fourth and fifth years \$1,250,000. It was reduced last fall by redemption of paper to about \$1,000,009, and afterwards near \$150,000, by paying the State's interest in New York. It is now about \$1,000,000. The private stockholders of each branch are first to lose all their stock, before the State stock is affected, and in case of fraudulent insolvency, the private stockholders are liable to pay a further amount equal to their stock. The directors of the branches are also personally liable neglect &c. For the liabilities specially imposed on the private stockholders, they choose eight directors in each branch, and each branch one delegate to the State Board. The officers appointed by the State, are sufficient to watch its interests, and to throw the balance of power where there may be a division, in favor of safety and right. In more than half the branches, a majority of the stockholders seldom or never borrow, and in all the branches there are many such stockholders. Their interest in the dividends, the liability of the branches for each other, and of the private stockholders to lose their stock, and an equal amount besides, and the interest and duty of all concerned would seem to be sufficient guarantees that the institution shall be correctly managed.

So far from having different interests from the community, the stockholders and directors of banks, have even a greater interest than most others in the general prosperity; for when a pressure comes, when distress pervades the country, it is not in the nature of things that the owners of stock, and dealers on credit should escape. It is a great absurdity to imagine the bank "controls" the business of the country. The necessities of the times, the course which business takes, and the reasonable demands of public opinion, are the "controlling powers against which a bank is like the leaf before a tornado." It is fortunate for the bank, that when the committee attempted to shew that the private stockholders had withdrawn their stock in specie, they did not also shew, that the State had done the same by the payments to contractors, and their paying the 4th instalment of surplus revenue for State bonds. If that had been done, the credit of the bank must have been injured, for the same arguments that prove the abstraction of specie by the stockholders, would show that the same has been done by the State, and the legitimate conclusion would be, as the State owes nearly the amount of her stock, that there was really *no specie left!!!*

In reference to the alleged suspension of specie payments in November and the duty of the State Board in that respect, the undersigned will not attempt to follow the train of reasoning pursued by the committee. He will submit, however, his own views, that have not been formed without careful reflection. The government of the

State Bank as such, is vested in a President and four directors appointed by the State, and thirteen directors on the part of the branches, one being chosen by each. This is the only body representing the whole institution; for the branches, in their distinctive capacity, have nothing to do with each other's business. For the safety of the public, and to secure watchfulness on the part of all concerned, the whole institution is made liable for the debts of a branch becoming insolvent, but while this is the case, full power is given to the State Board to "examine, suspend and close up." any branch that is so mismanaged that the interest of the other branches is endangered." The branches thus stand under a heavy responsibility, but the means are provided for protection from injury in the powers vested in the State Board; which interest and duty prompt them to execute on proper occasions. But if the individual stockholders of the branches, in addition to being liable for the debts of the other branches, against which they may guard themselves through the State Board, are also exposed to a forfeiture the charter because others, over whom they have no control, commit an illegal act, then indeed no rights or property can be so unsafe as theirs. The framers of the charter provided minutely, how the sound branches should pay the debts of a failing branch, or of a branch closed for violating its privileges, and could they intend that the whole institution should sink for an act of one branch, and yet make no direct provision on the subject?

But this matter is not merely omitted. The provisions for suspending and closing up branches leave nothing to inference. They shew how a part of them may be taken away, and the institution itself exist as before. They shew beyond dispute that only the offending branches are to be closed up, and this course is so consonant to justice and propriety, that no unprejudiced person can doubt, it was the one intended by the charter. For who would take stock in an institution that might be totally destroyed for no fault, but in one of thirteen branches? By a careful examination of the charter, it will be found, that the State Board was intended to be a species of court to settle and determine difficulties that arise in the management of the bank. This board is not a mere machine, so that the directors must either violate their oaths of office, or proceed to sacrifice the interests of the State and the bank. The sections of the charter prescribing their duty, show clearly that much is left to their *discretion and judgment*. The powers given in the 40th section are to be "exercised as circumstances may require," and the 44th section, *that* relied on by the committee, describing an offence which authorizes the suspension of a branch, qualifies it with the words "whereby the interest of the other branches is endangered," and as if this might not be sufficient, it is afterwards added in the same section that the State Board is to close up the affairs and business "of a branch," if the interests of the State or the safety of the other branches requires it." It is said that the words, "it is hereby made the duty of said Board forthwith to suspend," in this section, are positive and allow no discretion to the State Board. But there is no magic in the word *suspend*. Its mean-

ing has never been settled by legal decision, so that it must always be used technically and in the same sense as the words *close up*. If that were the case, there would be either an idle repetition, or the section would say in one line that the duty to suspend was positive, and immediately after, the duty was only to be exercised, "if the interests of the State, or the safety of the other branches require it." A total suspension of a branch would leave neither directors nor officers, and of course discounts and renewals of notes must cease. The receiver appointed by the State Board would have no power but to collect debts, so that in this situation, nothing else could be done, but "close up" the concern.

It would seem evident, then, that the charter did not intend the *total suspension* of a branch, except for sufficient cause, as the directions for "closing up" a branch are of so different a character. When the offence was merely the neglect of an unimportant order of the State Board, as in not making "a return" properly, or when some minor regulation of the charter was casually transgressed, as if a director should by mistake "endorse for another," the punishment of a total suspension would be altogether out of proportion to the offence. The true meaning of the word "suspend" in this section, is that the State Board shall *take away* or so limit the powers conferred on the branches as to effect the object intended. It may be either a *partial* or a *total suspension*, as circumstances may require. The State Board has had occasion frequently to suspend or take away a portion of the powers or privileges that might be allowed to the branches. By the 49th section of the charter, an order for the total suspension or closing up of a branch, must "be carried by at least two thirds of the members present," at some meeting, to attend which all the members of the board shall have been notified." If then the State Board can and ought to exercise a sound discretion in their proceedings, the words "may be closed," in the 8th section, can mean no more than that the State Board, by a vote of two-thirds, *shall have power* to close a branch "if the interests of the State, and the safety of the other branches require it," which would be the case if it were "insolvent or were mismanaging its affairs."

It is said, perhaps, that *all corporations are monopolies, and their powers special privileges, which should be construed strictly*. This language is oftener in the mouths of politicians than any where else. Such expressions are not used in courts of justice, but on the other hand, cases innumerable occur, in which judges give a strict construction to the words of a statute providing for the forfeiture of the property and rights of the citizen.

It is a well known principle of law, that where a distinct penalty is given for violation of any law, it excludes the inference of any other effect or consequence. The eighth section of the charter gives to the person entitled to demand specie of the bank, interest at the rate of twelve per cent. from the time of the demand made, and the payment of this is all the penalty attached by law to the *mere fact* of suspension. In 6th Cowen's New York Reports, 215, this question was

made on an information in the nature of quo warranto, against the Washington, Warren and Hudson Banks. The charters in these cases provided, that if at any time the banks should fail to redeem their notes and bills in gold and silver, they should immediately close their doors, and cease doing business, until they renewed specie payments, under pain of forfeiting their charters; but subjected the bank to ten per cent. penalty for such refusal to redeem their notes.

They suspended and closed their doors; but the suspension was relied on as a forfeiture. On this point, and in reference to this provision of the charter, the court say, "It is manifest the legislature did not intend, that refusal to redeem their bills on demand should be a ground of forfeiture, whatever may have been the cause of refusal. Whether, therefore, the suspension was six months or six years, there was no cause of forfeiture. It was considered the ten per cent. damages, in addition to legal interest, would be a sufficient impulse to resume business at an early day, without making it, as by a subsequent general act, a cause of forfeiture when continued for a year."

There are numbers of cases, where the courts have punished officers of corporations for improper acts, and forced them to do their duty, but scarcely a single case of forfeiture can be found, and then only in extreme cases. That the law has been well understood to be as stated, has induced the legislatures of some of the States to provide specially in charters to banks for their absolute forfeiture, when specie payment was suspended for a stated period. That such provisions were required shows, that previously, or without such provision, the law was different. No provision of this kind can be found in the charter of the State Bank of Indiana, and therefore there can be no doubt of the decision which the courts would make, unless the conduct of the State Board should be alleged and proved corrupt.

The undersigned has never seen the evidence taken by the committee in reference to the suspension of specie payment by any of the branches in November last. He has not, however, understood the facts to be as stated by the committee. The State Board were aware at their last meeting, that some of the branches had under consideration the propriety of suspending specie payment under particular circumstances; but they were not informed of any actual suspension. Absence at New York, and other indispensable business, has not permitted the undersigned to inquire particularly into the conduct of the branches since November; but he understands that although some of them may have waived payment of specie to brokers and foreigners, until they consented to take paper of the banks where they resided, yet no notes of the branches have been protested, and no demands have been made, although some have been threatened for the penalties given by the charter.

Under the circumstances, no proceedings could yet have been had to close up any of the branches, as the charter requires. The proceedings of the State board, on that subject, at their last session were, it is believed, such as all judicious men, under the circumstances and

prospects, would approve; and were all that could then be done. They may be seen set out at length in Mr. Ray's testimony, to which the House is respectfully referred.

The position of the branches at this time, and for a few months past, is one of singular delicacy and difficulty. With one million in specie, and three millions in circulation, they suddenly see all the banks around them suspend the payment of specie on their notes. For some time previous to this, and as if preparatory thereto, the demand from brokers and foreigners of some of the adjoining States, had been incessant and heavy on the most exposed branches. Specie commanded a premium, and had the branches, under the continued calls from the above-named sources, made no show of resistance, half the specie of the bank would have been drawn out and carried away in half the time named by the committee, and the remainder long before this period. Brokers and foreigners, the first to be informed and most active in these matters, would have derived all the profit, while as it has resulted, they have been compelled to receive the paper of their own banks. Specie is still at a premium at Cincinnati, notwithstanding the nominal resumption. I say *nominal* resumption, for the issue of post notes for circulation and the transaction of business, generally in the notes of this and other adjoining States, as is the case in Ohio, cannot be called a business resumption.

Little or no anxiety on this subject has been felt by the citizens of this State, and if the public feeling on this matter has generally settled on the propriety and correctness of the course pursued, will the legislature now direct a different course? If they declare, in the language of the charter, or its equivalent, that "the interest of the State" demands, that all the branches, which have refused in any one instance, specie on a single note, even to a broker, should be suspended and closed up; and if such declaration appears to coincide with the public sentiment on the subject, very little time need be lost. The citizens of the State will have profited somewhat by the delay, even to this time, for thereby much of their produce is now sold, and on the way to market.

By sacrificing her profits and pressing her debtors to extremity, the bank could, without doubt, at once meet all demands, even from brokers or foreigners; but to whose benefit would this result? Not surely to the State, for as the owner of half of the stock, she would suffer an equal half of the loss, and still have the interest to meet on her 1,690,000 of State bonds issued for banking purposes, which the bank now regularly pays from her profits. Not the people of the State, for the oppressive demand necessarily required from the debtors of the bank, would in its turn have reached the hundred fold indebtedness of others to them, which in addition to their unusual embarrassments otherwise, would have created immense suffering, without any adequate good. And the broker only is the individual who would have fattened on the ruin advocated by the committee. It is however proper to remark, that as to requiring specie payments of the branches to brokers and all others, the bank not only feels alive to the sub-

ject, as every citizen would who was liable to double interest on his debts, but also feels that anxious solicitude, which all honorable men feel, whose pride it is at all times to meet every obligation against them. Towards this object, it is and will be the determination of the State board to go forward in good faith, and secure its being done by every branch, as soon as the condition and business of the country will admit.

If the bank is in danger or unprofitable, if its proceedings have been corrupt or injurious, it should be assailed openly and directly. But if it has afforded a better and more uniform currency than is found in any of the adjoining States; if the clear profit to the State, after paying the interest on the bank loans, and providing for the principal thereof, has been as estimated and reported by the cashier 381,745 dollars; if it has made the produce of the State more available, and the industry and business of the citizen more effective, then, although perfection cannot be claimed in its management, through all the diversified business of thirteen branches, its correction could scarcely seem to call for side blows or covert insinuations calculated to impair its usefulness and character, or for ruinous amendments, intended utterly to destroy the checks and balances, to which the framers of the charter, with great care, committed its interests.

The circulation of the bank was reduced, from the 1st of August to the 1st of November last, \$549,565. If it had gone on to lose 500,000 dollars, in specie, as the committee admits it would have had to, by the 1st of December, and as they think it ought to have submitted to, and its circulation had necessarily been thereby reduced accordingly, (for the bank has generally about three dollars in paper to one in specie,) there would then have remained less than two millions of the circulation of the bank among the people for business, both within and without the State, instead of about three millions, the present amount. If there be now a loud call for stay laws and appraisement laws, what would have been the language of the people, if in a few short weeks their circulating medium had been thus reduced? And what still farther would have been their call, if in addition to our having lost half our specie by the first of December, as the committee admit, which would have been in six weeks from the suspension in the adjoining States, we had in the next six weeks, say by the middle of January, lost our remaining specie, and the proportionate circulation been taken from the hands of the community? For the views of the committee do not seem to have extended beyond the commencement of the session of the legislature, as if their assembling, and the appointment or investigation of the bank committee, would have prevented brokers and foreigners from continuing their specie runs upon the branches.

If all confidence had thus been destroyed,—if, by the want of a circulating medium, the abundant produce of the last season had met with no purchasers,—if all stimulus to exertion had been lost; years must have passed away, before the State again reached its former prosperous condition.

But the injustice to creditors is alledged, as if it were worse for a few creditors to receive their dues in something less valuable than specie, than for most creditors to be unpaid, and most debtors to be ruined. And it should be recollected, in the change of times, that were bank paper even to depreciate 20 per cent., it would still be much more valuable than the currency in which most debts were contracted.

As to the obligations of the bank, and the remark of the committee, that the 12 per centum penalty was only given to satisfy the bill holder, I would simply remark, that if by receiving thus double interest, the bill holder is, or ought to be satisfied; surely those who do not hold any of the bills of the bank ought to be content.

It may be said by some, that although the bank has done about right, it is best to take advantage of what has occurred, to bring the institution under the power of the legislature. If this could be done, will the stockholders be expected as at present, to lose all their stock, and even an equal amount in addition, before the State shall lose a dollar on her stock? If they are to lose their power, they must be released from responsibility. A political bank could not for a single year supply half the applicants of a predominant party; and even if supplied, the result would be in a short time, that in place of a suspended debt of \$250,000, as ours is, we should have four or five millions of desperate debts, as Alabama has.

We are not left to conjecture in these matters. The losses of the State bank of Alabama, where the directors are appointed by the State, are estimated at five millions, while the ascertained losses of the State bank of Indiana do not yet exceed five thousand. While on the subject of specie payments, much might be said of the debt due to the bank by the State, for advances on the public works—of the bonds taken for the 4th instalment of surplus revenue—of the interest voluntarily paid in New York, on the State bonds, to save the credit of the State—and of the difficulties which every citizen must have felt, if the bank had reduced its discounts, instead of enlarging them, in the business and exporting season of the year. But these matters will be duly appreciated by all who give them due reflection.

It is much to be regretted that the committee did not look into the proceedings and evidence on the scire facias against the Lafayette branch, before they stated that the State board had acted in this case, "on more questionable authority, and for much more trivial cause than existed in many other cases." The facts proved on this trial were, that the cashier of that branch, in conjunction with the exchange committee, had bought bills of exchange to the amount of 14,200 dollars, when the discounts of the branch were up to the limits fixed by the charter,—that to conceal the violation of the charter, these bills were not added to the amount of discounts,—that the discounters, without having funds in the Merchants bank, New York, and that well known to the cashier, gave him time checks on that bank, which he charged as a balance of cash against it, without ever send-

ing the checks, and knowing that there were no funds there,—that he illegally applied five hundred dollars of the funds of the bank to his own use, and that he loaned, illegally, the further sum of five hundred dollars of bank funds to Taylor and Marshall. The defence set up by the cashier was, that in taking from the bank these two sums, his conduct was merely informal, as he was at that time acting secretary of an insurance company, and he only intended to use the money of the company. But it was proved that this pretence was not true, for by the accounts of the insurance company kept in bank, it appeared beyond dispute that the company had not the amount of funds on hand which the cashier alleged, and which he used. The branch board at Lafayette had refused to disapprove these acts, when they were proved before them, though they are made highly penal by the 80th section of the charter. The decision of the State board was by an unanimous vote, the delegate from the Lafayette branch having been excused from voting.

It is alleged by the committee that the receipt and payment of notes of other banks below five dollars by some of the branches is a violation of the 22nd sec. of the charter, which says “no note shall be issued of a less denomination than five dollars. The word “issue” by a bank is usually applied to paying out its own notes. If the framers of the charter had intended what the committee suppose, they would probably have added the words, “nor shall the notes issued by other banks under five “dollars be received or paid out by the State “bank.”

The purchase of common promissory notes at a greater discount than 6 per cent. is believed to be allowed by the charter, yet the power has been very sparingly used. Many of the branches have never bought such paper, and it is not sought for at any branch. The discount charged is understood to be about 10 per cent. The small amount of specie in the Lawrenceburgh branch in December was occasioned by the payment of \$48,000 in specie, a deposite balance, demanded by the Secretary of the Treasury. The specie of that branch has since increased more than \$18,000, and its circulation reduced \$22,000.

The committee commence the remarks on the negotiations with the Morris Canal and Banking Company, by making two mistakes as to matters of fact. One, that the undersigned acted under an amendment of the charter,” and the other, that his negotiation was “for the benefit of the bank.” The power to increase the State stock in the bank, was reserved in the charter originally, and the law of last winter, providing for that increase, did not propose any amendment to the charter. This increase of the State Stock was never thought of as being “for the benefit of the bank” as it would increase the risk and lessen the profits; and very few concerned in the bank, if they could have avoided it, would have consented, only because they would yield private interest to public good. The addition of State Stock was expected to aid in the payment of taxes, and as a provision was made for dividing the new loans among the counties, it was hoped the effects would be on the whole advantageous to the public, and not injurious to the bank. Not “under the charter,” nor “for the

benefit of the bank, but as the agent of the State, the undersigned was called unexpectedly, as he has already communicated to the House, to accept or reject an offer for a loan. He understood that State bonds were generally sold on a credit, the purchaser expecting from another sale, to realize the money for payment. He understood, that the Morris Canal and Banking Company had previously bought of the State of Indiana about \$5,000,000 of State bonds, and had paid punctually, and that the directors of that institution were gentlemen of high character and reputed wealth. He examined the sworn statement of the Cashier of the institution, and made such inquiries, confidential and otherwise, as induced him to believe that the contract was a safe one on the part of the State. But the change in the value of the bonds, and all stocks, between April and August, was such as to prevent payment. Security sufficient to indemnify the State is believed to have been taken. No part of this whole matter was referred to the bank committee. Yet the undersigned has no objection that it should have its full weight in the decision that is to be made in reference to him. Though his testimony before the bank committee, except the answer to one question, was required to be taken down on the spot, and it does not therefore explain some matters as fully as he would have wished, had he known the objects in view, yet he is anxious that those who read the summary of the committee, shall also read his testimony. They will be found, it is believed, to have very little resemblance to each other.

In regard to the censures passed on the directors appointed on the part of the State, little need be said by way of defence, to those who know them. Messrs. Morrison, Fletcher, Worth, Scott, and Norris, have acted in that capacity, and are all more or less implicated. However prejudice may for a time prevail, it cannot be long before their exertions to reconcile the conflicting interests of the branches, to allay jealousy, to quit party spirit, and to make the institution an object of pride to their fellow citizens at home and abroad, will be rewarded with general approbation. It was not their province, by the charter, nor has it been their disposition, to exercise the powers entrusted to them, except for the public good. They have been aware of occasional errors and mistakes in the branches, and they have taken such steps to remedy the evils that were discovered, as in general have been attended with success, and as difficulties have presented themselves in new forms, they have constantly made preparations to remove them. When there have been found to be long loans in branches, the discounts have been stricken accordingly, and when directors are found to loan to themselves on different terms, than they allow to others, they are required to vacate their seats. Dividends have been diminished or withheld, loans to the merchants and stockholders specially censured, while the branches have been strongly urged to favor the exporters, and the enterprize and industry of the country. There has been scarce a session of the State Board, in which some action has not been had in reference to the duties of the branches under the charter. Yet they have never conceived that the business and

operations of the branches should be suspended and closed up without sufficient cause. The injury to the business of the district, to the debtors of the branch, and the risk of loss to the private stockholders and to the State, all forbid that the final closing up of a branch should be determined on, unless in case of real necessity. Were such necessity to exist, the other branches for their own interest would urge the adoption of this course. But no member of the State Board, either of those appointed by the State, or those delegated by the branches, ever yet thought that duty compelled him to wind up a branch, for an inadvertant error, or an improper act regretted, and not likely to be repeated, when neither the error nor the act was vital to the interests of the institution. Persons who talk lightly of the ruin occasioned by the unnecessary suspension of a branch, as if the waste of a few hundred thousand dollars was of no consequence, have not as yet had a seat in the State Board.

The members generally have been men of business—there has been rarely a partisan among them. They have talked, and reasoned, and decided, without noise or parade, and their decisions have been generally respected; though occasionally, from the difficulty of the times, less has been done by the branches to set things right, than was desirable. If the committee had looked over their proceedings, *which they have not done*, they might not have found quite as much *thunder* as they wish, but they would have found good sense, and candor, and honesty. It is much to be regretted that the committee *did not* examine the proceedings of the State Board, the letter book of the bank, and the reports of the examiners of the branches. If they had done so, it would have relieved them of much uneasiness.

The plan of the committee for increasing the stock in the bank is not less extraordinary than the other parts of the report. It is to be composed of State bonds, which cannot be sold, and mortgages from individuals, not to be paid for five years. There is but one thing wanting to make the plan perfectly complete. The specie in the bank should have been paid out, and then, when the machinery became too light for the earth, it could easily be raised to the moon.

Stock can now be had in most, if not all the branches, at its par price; and the only difficulty in equalizing this stock among the counties, is the want of persons wishing to hold it. It is becoming so common, to hold up to public odium all who are concerned in the banks, that it is not surprising that the stock should be so little in demand. If half of the directors of the bank and branches are to be appointed on the part of the State, as proposed by the committee, so that "if party or political feeling were introduced on one hand, and private, local interests on the other, they would be mutually counteracted," it would be very questionable whether individuals can be found to take the stock, even in "real estate." But, at any rate, those who have paid money would soon be out of the concern.

Hitherto the bank has been free from political intrusion. There have been constantly in the State Board men of both parties, and no party vote has ever yet been given there, nor has there ever yet a com

plaint reached the State Board, of a loan made or refused, in any branch, on political grounds. But if to party contests, already sufficiently bitter, there be added each year a struggle for "the power of lending money," it will not be difficult to foretell the result.

It has been scarcely possible for the undersigned to notice all the mistakes of the report, without more time than can now be spared, and without extending this article to an unreasonable length; and in some of his hasty remarks, he too may have been mistaken. He has not seen the evidence taken by the committee, and of course can say nothing to the remarks about the South Bend, Michigan City, Bedford and Lawrenceburgh branches, though he would fain hope and believe, that some of the blamable matters alleged may be satisfactorily explained.

In conclusion, the undersigned begs leave to return his thanks to the committee, for their kindness in permitting him to hear the report on Saturday evening last, and to the House of Representatives, for their directing him to be furnished with a copy.

As under the recommendation of a large majority of the bank committee, this may be the last communication which it will ever be the duty of the undersigned to make to the Representatives of the People, whom for twenty years he has endeavored to serve, with what of faithfulness, honesty, and ability he possessed, in different stations, it is hoped and trusted, that however the decision may be made at present, the candid and unbiassed judgment of the public will, in the end, be right. When, in addition to honest differences of opinion within those walls, you hear also from without the most audacious falsehoods, which never reach the ears the undersigned until they have effected their object; it will be a matter of regret, but not of surprise or complaint, if temporary injustice be done him.



Respectfully submitted,

S. MERRILL.

Journal of the committee on the State Bank, the evidence taken, &c. accompanying the report.

COMMITTEE ROOM, December 9, 1839.

The standing committee on the State Bank of Indiana, of the House of Representatives, met pursuant to notice of the chairman.

Present—Mr. Bowles, chairman; Messrs. Robinson, McGaughey, Wheeler, Stewart, White, members.

On motion,

Mr. White was appointed Secretary.

The chairman laid before the committee the reports,
 No. 1, of the Branch Bank at Bedford.
 No. 2, of the Branch Bank at Vincennes.
 No. 3, of the Branch Bank at Lawrenceburgh.
 And also the following resolutions No. 1 and 2.

No. 1.

Resolved, That so much of the Governor's Message as relates to the subject of the State Bank, be referred to the committee on the State Bank.

No. 2.

Resolved, That so much of the Governor's Message as relates to the currency and to the bank, be referred to the committee on that subject.

On motion of Mr. White, it was

Resolved, That a committee of two be appointed to wait upon the Cashier of the State Bank, for the purpose of receiving such papers concerning the transactions of the bank as said committee may think proper to call for.

And thereupon the chairman appointed Messrs. White and McGaughey.

On motion of Mr. Stewart,

The committee adjourned to meet next Wednesday evening at half past 6 o'clock.

WM. A. BOWLES, Chair'n.

JAMES WHITE, Clerk.

SECOND MEETING.

COMMITTEE ROOM, December 11, 1839.

The committee met pursuant to adjournment.

Present—Mr. Bowles, chairman; Stewart, Robinson, Fisher and White, members.

The chairman laid before the committee the following resolution of the House of Representatives:

Resolved, That the committee on the State Bank of Indiana, be instructed to prosecute a strict inquiry into any and all complaints that may be made to them against the State Bank of Indiana and Branches or against any of its officers; and for this purpose they are hereby authorized to send for persons, books and papers.

The chairman, also, laid before the committee the following communication.

“INDIANAPOLIS, December 11, 1839.

To the committee of the House, on the State Bank of Indiana:

GENTLEMEN: I charge that the State Bank of Indiana has forfeited her charter, by the following acts, viz:

1st. By the suspension of specie payments through the branches, in May 1837, a fact which will not be controverted, (see sect. 8.)

2nd. By the suspension of specie payments again through her branches in October 1839, for the establishment of which fact, I refer you to the officers of the branches, (see sect. 8.)

3rd. By the advancement of specie to pay the first State instalment in the branches at South Bend, and by the increase of capital stock in many of the branches, on the part of the State without requiring the same to be paid in in specie; which instalment and increase amount in all to \$294,000; for which State bonds are now counted in the resources of the bank with which said instalment and increase was discharged: for the establishment of which facts I refer you to the report of the President of the State Bank of last year and the reports of the branches now before you, (see sect. 91 and 97.)

4th. By the withdrawal of capital by individual stockholders in the way of permanent loans, for the establishment of which fact, you are referred to the officers of the branches.

5th. By the loans made to the State, by which, if the limits of the charter have not been transcended, the order of the parent Board, made in accordance with the charter, undoubtedly have been: for the establishment of which fact I refer you to the reports and the orders of the State Board, (see sect. 40, also sect. 2 in the amendment approved Jan. 25, 1836.

6th. By loans to Insurance Companies and Savings Institutions, by the branches at Indianapolis, Richmond, Madison, New Albany and Lawrenceburgh, for the establishment of which fact I refer you to the reports of those branches, at the commencement of the year 1837, or to the officers of said branches, (see sect. 77, rule 7th.)

7th. By loaning money on the security of its own stock, in the way of accommodating buyers of stock more freely on account of their being stockholders; for the truth of which fact, enquire of the officers of the brancher, (see sect. 77, rule 1.)

I come now to speak of abuses for which separate branches and individuals will have to be held to answer.

Many of the branches continue to give circulation to small notes, under the denomination of five dollars; of which offence the branches at Indianapolis, Madison and Lawrenceburgh, stand first; for the establishment of which fact you are referred to the officers of said branches. Mr. Merrill's report of last year was false in many respects, particularly as to the liability of the directors of the branches; for the

truth of which, enquire of the officers of the branches; and all prior ones have been of too high a coloring in behalf of the transactions of the bank, and of such a cast, as was calculated to deceive, mislead, and keep down investigation: which facts will be disclosed in the progress of an examination into the above charges. He has, in the capacity of fund commissioner, negotiated a loan of one million of dollars, for the increase of capital stock, and so managed it, as that the State is in danger of losing the whole amount, which fact will likely be made known to you by himself.

He has by some means so managed as to get hold of State Bonds for the 4th instalment of the surplus revenue, without any authority of the Legislature of Indiana or the consent of the General Government. The directors of the State Bank have had proceedings which they have omitted to record; for the truth of which you are referred to the Cashier of the State Bank and their minute book, (see sect. 59.)

They having been knowing of the above violations and abuses, and have failed to make the facts known to the Legislature; for the truth of which enquire of the cashier of the State Bank.

They have in their appointment of directors in the branches, had an eye, more to the satisfying of the large stockholders, than to the satisfaction of the public generally; for the truth of which inquire of the officers of the branches.

There are yet other matters, which, if not a violation of the charter, demand at your hands a serious consideration. The directors of the branches monopolize the loans of the branches, through themselves and friends; by which means they purchase up the stock of the bank upon credit; for the truth of which, inquire of the officers of the bank. Nearly all the suspended debt of the branches, is due to the said several branches from the individual stockholders who have become possessed of stock, by and through the means of loans; for the truth of which, inquire of the officers of the branches.

Respectfully,

JAMES WHITE.

Mr. Chamberlain, of the Senate presented the following charge:

John Grant, the teller in the South Bend Branch of the State Bank let Alexis Coquillard (a director) have a large amount of money (not much if any thing short of \$1000) for the purpose of making a bet, on the result of the congressional election between Howard and Evans. The money was drawn out by a check or over-draft, and both parties knew it at the time and for what purpose it was drawn.

The \$1000 was to make up a deficiency of money to procure a forfeiture of \$100, deposited as forfeit money by Rochler.

The committee then adopted the following, as general interrogatories, to be propounded to such of the officers of the several banks as they may designate.

1st. What was the number of your debtors, as drawers of notes, bills, &c. at the date of your last report?

What were then the liabilities, as drawers, endorsers, partners, or

otherwise, so far as you know or believe, of the directors in your branch?

3d. What were the liabilities, as aforesaid of the other stockholders?

4th. What proportion of your loans or discounts has been made to persons living within the town in which your branch is located, and what within the county?

5th. How many of the borrowers are producers, manufacturers, and merchants respectively, and what is the amount now on loan to each class?

6th. How many persons hold stock in your branch, to the amount of \$500, and under?

How many under \$500 and over \$1000?

How many over \$1000 and under \$5000?

How many over \$5000 and under \$10,000?

How many over 10,000?

7th. How many borrowers at your branch are stockholders, and what is the amount of indebtedness of each?

8th. What were the liabilities, direct and indirect, of directors, as drawers, endorsers, partners, or otherwise, at the time of your report in 1838?

9th. What was your suspended debt, and what was the proportion due from stockholders at the time of your last report?

10. What amount of stock is owned by persons indebted to your branch, to the amount of their stock, or beyond it?

11th. How much of that amount is owned by individuals who have owed the bank to such extent, from or within a month after they subscribed?

12th. What amount of the means of the bank is loaned to persons out of the State?

13th. What and when were the highest and lowest amounts of specie in your vault?

14th. Have you at any time failed to redeem any of your notes on demand, or resolved on refusing to redeem? If so, when?

15th. Have you received and paid out again, the paper of banks without this State?

16th. Have you paid out, or contributed in any manner to the circulation of notes of other banks, below the denomination of five dollars? If so, to what amount, within the last years?

17th. How much money has been loaned by your branch to the State, or any of its officers as such? what for? and by what authority?

18th. What were the liabilities as drawers, endorsers, or otherwise, of the branch directors appointed by the State bank, at the time of the appointment?

On motion,

Ordered, That the clerk of this committee serve a copy of the above Interrogatories on the president or cashier of the branch of the State bank at Indianapolis.

Mr. Fisher also reported to the committee the following interroga-

ories, to be put to the officers of the State bank of Indiana, some or one of them, which on motion were adopted.

1st. Did the bank or your branch advance or provide, directly or indirectly, the specie for the establishment of the branch at South Bend, or any other branch, or for the increase of stock in any other branch? If so, when, where, and how much?

2. What amount of State bonds does the bank possess, and by what authority, and in what manner were they acquired?

3d. What amount of the State bonds created for the purpose of increasing the capital of the bank has been sold, and to whom? and how much remains unpaid, and when is it to be paid, and how is it secured, and is the security adequate, and by what authority were they sold on credit at all?

4th. Have any of the proceedings of the directors of the State bank not been recorded?

5th. Have the directors of the State bank failed to apprise the Legislature of any violations of the charter which have heretofore come to their knowledge?

6th. What is the proportion of the two political parties of this country, in the directory of the branches appointed by the State bank?

7th. What is the discount or premium, now or of late, charged on bills of exchange, beyond the cost of transporting specie?

8th. By what authority did the bank furnish an instalment of the State stock to the 13th branch in advance?

9th. What are the respective amounts of the different denominations of the existing circulation of the bank?

On motion,

Ordered, That the clerk of this committee serve a copy of the above interrogatories on the president or cashier of the State bank.

On motion,

Ordered, That the committee adjourn to meet at the State Bank on Wednesday evening next, at half after six o'clock.

3RD MEETING OF THE COMMITTEE.

At a meeting of the committee of the House of Representatives on the State bank of Indiana at their committee room, Dec. 1839.

Present—Mr. Bowles, chairman; Messrs. Fisher, Robinson, Stewart, White, M'Gaughey.

On motion, and by consent,

Ordered, That Thomas P. Baldwin be, and he is appointed clerk of this committee, *pro tem*.

On motion,

Voted, That copies of the general interrogatories adopted by this committee, be sent to the different branches of the State bank, and that the persons mentioned in the following schedule, be summoned to appear and testify before the committee, to wit:

From the branch at South Bend, J. A. Liston, and H. Chapin.

From the branch at Michigun City, William Clark.

From the branch at Fort Wayne, H. M'Culloch,
 From the branch at Lafayette, E. Deming.
 From the Branch at Terre Haute, A. B. Fountaine.
 From the branch at Vincennes, George W. Rathbone.
 From the branch at Evansville, John Douglass.
 From the branch at New Albany, V. A. Pepin.
 From the branch at Madison, Isaac C. Lea.
 From the branch at Lawrenceburg, D. S. Major.
 From the branch at Richmond, Elijah Coffin.
 From the branch at Indianapolis, B. F. Morris, H. Bates.
 From the branch of Bedford, William M'Clane.
 From the State Bank, J. M. Ray,

On motion,

The committee adjourned to meet next Monday evening, at half past six o'clock.

Monday, December 16, 1839.

4TH MEETING OF THE COMMITTEE.

The committee met pursuant to adjournment. Present, Mr. Bowles, chairman; Mr. Fisher, Mr. Stewart, Mr. Robinson, Mr. White, Mr. M'Gaughey.

The chairman laid before the committee the following resolution, adopted by the House of Representatives:

On motion of Mr. M'Coy,

Resolved, That the committee on the State bank be instructed to inquire into the value of the stock of the Little Schuylkill and Susquehannah rail road, and whether \$600,000 of the stock of said rail road, which has been taken as collateral security, will be a safe indemnity to the State in the event that the Morris Canal and Banking Company fail to pay over to the State in such instalments as have been agreed upon by said company, \$490,000, part of the amount of bonds sold to said company, the proceeds of which are to be appropriated to the increase of the stock of the State bank; and by what authority the president of the State bank was authorized to dispose of said bonds, without good and sufficient security, that the money would be promptly paid upon maturity of the bonds sold by him, for the increase of the stock of the State bank.

On motion voted that citations be issued to the persons mentioned in the schedule made and adopted by the committee at its last meeting of the 13th instant, requiring them severally to appear before this committee at their room in the State-House on the 2d day of January next. Voted that this committee adjourn, to meet at the State Bank on Wednesday evening next at 6½ o'clock, and that the clerk of this committee serve copies of the general interrogatories on the President or Cashier of the State Bank and of the Branch Bank at this place.

5th MEETING.

WEDNESDAY EVENING, Dec. 18th, 1839.

Mr. Bowles Chairman of the committee attended according to the last adjournment at the State Bank, but none other of the committee attending he ordered an adjournment until to-morrow evening at 6 o'clock at the State Bank.

6th MEETING.

STATE BANK, THURSDAY EVENING Dec. 19th, 1839.

Present—Mr. Bowles Chairman, Mr. White and Mr. Stewart.

There not being a quorum of the committee, it was adjourned to meet again at the State Bank on next Saturday evening at 4 past 6 o'clock.

7th MEETING.

STATE BANK, SATURDAY EVENING, Dec. 21, 1839.

The committee met pursuant to adjournment.

Present—Mr. Bowles, Chairman, Messrs. Fisher, Stewart, Robinson, White and M'Gaughey.

Mr. Ray Cashier of the State Bank, proceeded to read to the committee, written answers (which see) to the general interrogatories heretofore adopted by the committee, a copy of which had been heretofore served on Mr. Ray.

Mr. Fletcher, a director of the State Bank being present, answers to the 5th general interrogatory, and says that there have been omissions on the part of some of the Branches to make reports to the parent bank of their proceedings and which had caused the State Board considerable difficulty and trouble, he mentioned particularly, the neglect of several of the branches to send up returns of their annual elections, and also says that no doubt there have been by some of the acts of commission by some of the branches, in violation of the charter. That a scire facias had been issued to the Lafayette branch, requiring it to show cause for certain acts, which he did not specify, and that good cause was shown and the scire facias was discharged.

On motion,

Ordered, That the written answers of Mr. Ray, Cashier, &c. to the general interrogatories propounded to him, be received without being sworn to, at present.

The Chairman laid before the committee the following resolution of the House of Representatives:

Resolved, That the committee on the State Bank be instructed to inquire, what amount of State bonds are now in the possession of the State Bank of Indiana, and its branches from whom they purchased said bonds, what was the consideration, for which they obtained them, for what and for whose use they hold them, what interest, if any, said bank and branches has in said bonds and whether the State is receiving any benefit or revenue from them.

Questions propounded by the committee of the H. of Representatives, on the State Bank, to Mr. Ray, Cashier, and Mr. Fletcher a director at the meeting of the committee at the State Bank on Saturday evening Dec. 21, 1839 with their answers thereto.

Q. 1st, offered by Mr. Fisher:

What proportion of the issues of the bank is now in circulation out of the State, according to your judgment and opinion?

Answer by Mr. Ray and Mr. Fletcher.—From about 5 to 700,000 dollars, and probably over.

2d. By the same:

What in your opinion is the amount of circulation within this State, of the issues of banks without this State?

Answer by Mr. Fletcher—About one third of the entire circulation within the State. The circulation of the State Bank is at this time, about \$3,000,000—Mr. Ray concurred.

3d. By the same:

What, in your opinion, would be the effect upon the State Bank, of the issuing of \$1,000,000, in Treasury Notes, of such denominations as would be convenient, for a circulating medium in this State?

Answer by Mr. Ray—It would be prejudicial, if the Treasury Notes were of the denomination of \$5's, \$10's and 20's, and the prejudice would increase in proportion to the amount issued.

Answer to the last question by Mr. Fletcher—It would in his opinion, have, the effect to drive par paper out of circulation; it would create two standards of value, and the better informed men would force that of the lower standard upon the unwary, the ignorant and the needy.

4th. By the same:

In your opinion, would not the par paper, as it is driven out of circulation, go to the Bank for redemption?

Answer by Mr. Ray and Mr. Fletcher.—In our opinion it would.

Mr. Ray further answers—That he does not think that the unfavor-

ble effect on the circulation of bank paper would be so great, if the Treasury notes were of the denominations of \$5's and \$100's.

9th. By the same:

Would the Bank be able to sustain an operation of that kind?

Answer by Mr. Ray.—In my opinion it would embarrass the operations of the Bank.

6th. By the same:

Would not the contraction so caused principally affect the bill and exchange business of the bank?

Answer by Mr. Ray and Mr. Fletcher.—It necessarily would seem so, as this is the most immediately available source of means, but of course, any contraction, would also affect its other sources of means.

Mr. Ray remarks further.—In reference to the whole of these inquiries, it is proper and necessary to add, that our opinions should not be deemed as those of practical men, so much, as of those who have more to do, with the theory than practice; and therefore it is proper to add, that practical men have expressed the opinion that half a million or so, of such smallsize, State Scrip, would not so injuriously affect the Bank circulation. Yet I express the opinion I have, upon the subject, and believe it will coincide with many other men more practical and experienced; believing however, that if such circulation *never* exceeded half a million, its prejudicial influence on the Bank Note circulation would not be as great in the proportion, as it would be if increased to a million or over.

The Chairman laid before the committee the following communication:

STATE BANK.

INDIANAPOLIS, Dec. 14, 1839.

Hon. James G. Read,
Speaker of the House of Representatives:

SIR—Annexed is the information contained in a letter this morning received from Mr. Merrill, at New York relative to the State of the negotiation with the Morris Canal and Banking Company for additional bank capital for the State, which Mr. Merrill made with them last season, and which information he would doubtless desire to have laid before the House of Representatives.

Very respectfully,

Your obedt. serv't.

JAMES M. RAY, Cashier.

NEW YORK, Dec. 6, 1839.

DEAR SIR,—We have just returned from a long consultation with Messrs. Biddle and Lord. They propose very fairly as to giving security, which by their representations will be ample; but of this, we must ascertain more particularly from others. I hope matters will soon be arranged without any great detention: Yet, that we be not deceived as to the value of stocks, property, &c.—proposed to be mortgaged to us, it will not do to be in too much haste.

On the whole, matters appear rather more favorable than from the gloomy countenances at the Bank on yesterday, I had feared.

The news from England by the Liverpool Steamer, which came in last evening, may have contributed somewhat to the changes. It seems that money matters are rather easier in England, and that the worst there is past. This is by no means certain, however, and as to our own country, there are other depths, I fear, before us. The new banks here and banks south are certainly in a critical situation.

S. MERRILL.

OFFICE OF THE STATE BANK OF INDIANA,
Indianapolis, December 17, 1839. }

Hon. James G. Read,
Speaker of the House of Representatives.

SIR: In answer to a resolution of the House of Representatives just received inquiring "whether suit has been instituted against any of the branches of the State Bank of Indiana for the non-payment of its notes, and if so, what branch, and at what time said suit or suits were instituted, and what was the result of such prosecution." I have the honor to reply, that the only suits that I am apprized of ever being so instituted against the bank were two instances in the year 1837—both of which were by the same individual, a broker; one against the branch at Indianapolis for \$900, and the other against the branch at Lawrenceburgh for \$3,500; which amounts, it is understood, were paid by these branches.

No other suits, have been reported to the State Bank, for the non-payment of the notes of any branch, nor is it believed, by the undersigned, that any other have been instituted.

I am very respectfully,

Your obedient servant,

JAMES M. RAY, Cashier.

On motion,

Ordered, That the citations to be issued to the officers of the several branch banks and others, to appear and give evidence before this committee, require the said witnesses to appear on 13th January, 1840, at the committee room in the State House instead of the 2nd Jan. 1840.

Ordered, That the committee adjourn until Tuesday evening next.

8th MEETING OF THE COMMITTEE.

TUESDAY, December 24, 1839.

The committee did not meet there not being a quorum in town without Mr. Wheeler, who is sick and not able to attend.

9th MEETING OF THE COMMITTEE.

At a meeting of the committee of the House of Representatives on the State Bank, held in the supreme court room in the State House on Friday evening, January 3, 1840.

Present—Mr. Bowles, chairman; Messrs. Stewart, Fisher, McCaughey and Robinson.

The chairman laid before the committee the answers of J. M. Ray cashier of the State Bank to questions propounded to him on the last meeting of the committee.

Also, the answers of J. M. Ray, cashier, &c. to the general interrogatories heretofore propounded, as follows:

No. I.

ANSWERS OF THE STATE BANK TO GENERAL INTERROGATORIES.

To the Hon. Committee of the House of Representatives

On the State Bank.

GENTLEMEN: Annexed are my replies to the interrogatories handed me yesterday from your committee.

Very respectfully,

JAMES M. RAY, Cashier.

I. Did the bank, or your branch, advance, or provide directly or indirectly, the specie for the establishment of the branch at South Bend, or any other branch, or for the increase of stock in any other branch? If so, when, where, and how much?

Answer. Under the act of the Legislature, entitled "an act to amend an act entitled an act to provide for distributing so much of the surplus revenue of the United States, as the State of Indiana may be entitled to receive, by virtue of an act of Congress, approved June 23d, 1836"—approved February 17th, 1838, the State Bank of Indiana, during the said year 1838, advanced to the State the sum of \$286,751,-

48, the amount of the fourth instalment due the State from the United States, until the first day of January, 1839. Which amount was according to the provision in the second section of said act, vested in bank stock for the State, as contemplated in the act to which the above act is an amendment.

This advance was appropriated as follows:

In bank stock and surplus fund on internal improvement account, for increasing the State's bank stock, and organizing new branches:

In Indianapolis Branch,	\$36,000 00	
Lawrenceburgh,	29,812 50	
New Albany,	28,012 50	
Richmond,	22,364 00	
Evansville,	17,508 03	
Terre Haute,	24,268 00	
Madison,	31,875 00	
Lafayette,	23,273 29	
South Bend,	50,000 00	
Michigan City,	23,795 31	\$286,908 63

The amount thus invested for the State	}	157 15
in bank stock, is by		
more than the expected instalment, which was required	}	286,751 48
in order to make the shares even, and in part of what		
was needed to make the bonds of even amount,		
		<hr/>
		\$286,908 63

The advance by the bank to the State, being authorized by the Legislature, was of course deemed to be competent for both parties to do; and the same was doubtless done, understanding the provision of the charter, in the 97th section, to relate to a prohibition of funds being loaned to *individuals*, to organize a branch by paying *their* bank stock, not as interfering with the State raising the means to furnish *her part* of the capital, in any manner she deemed best; and hence the law was passed for the State Bank (through its branches of course) to advance the funds to the State, to increase the capital, and pay the new capital for the State, for internal improvement account.

The advance to the State under the above act, was drawn for on the following branches:

Indianapolis Branch,	-	-	\$37,141 63
Lawrenceburgh,	-	-	50,000 00
New Albany branch,	-	-	28,012 50
Richmond,	-	-	37,364 00
Evansville,	-	-	17,508 03
Terre Haute,	-	-	56,734 18

Madison,	-	-	-	36,875 00
Lafayette,	-	-	-	23,273 29
				<hr/>
				\$286,908 63
				<hr/>

II. What amount of State bonds does the Bank possess, and by what authority, and in what manner were they acquired?

Answer. The advance above referred to, by the bank through the branches to the State, not having been met by the State, on January 1st, 1839, on account of the general government having failed to pay to the State the fourth instalment of surplus revenue, on that day, the fund commissioners subsequently issued to the bank the bonds of the State, for the amount of said instalment so advanced, including interest thereon, at the rate of six per cent., as provided in said act, which, to equalize the amount, so that the State would not have to be at the expense of engraving bonds of irregular sizes, was increased by paying to the fund commissioners a balance of \$80 42, at the Lafayette branch—making the whole amount of bonds issued by the fund commissioners to the bank for such advance and interest, \$294,000, which bonds the branches still hold. The benefit the State is receiving from, or on account of these bonds, is the excess of the dividends of the bank over the interest on the bonds.

III. What amount of State bonds, created for the purpose of increasing the capital of the Bank, has been sold, and to whom?—and how much remains unpaid, and when is it to be paid, and how is it secured; and is the security adequate, and by what authority were they sold on credit at all?

Answer. The State bank, having nothing, as an institution, to do with any sale of State bonds, under the act providing for the increase of stock in the State bank, or otherwise, the answer to this inquiry will of course be given by those conducting the negotiations under that law.

It will be appropriate, I trust, however, to state, that there being no fund commissioner in office in April last, and a very deep anxiety having been expressed by members of the last General Assembly, that the earliest possible opportunity to increase the State's capital in the State bank, should be embraced for the purpose of helping, with the profits thereof, to pay the interest on the bonds issued for internal improvement purposes, Mr. Merrill, president of the State bank, as authorized by the sinking fund commissioners, and as an agent under the law on that subject, of last session, proceeded then to New York, and effected a negotiation of \$1,000,000 for additional bank stock, in relation to which Mr. Merrill is now, or was lately in New York, and is expected shortly to return, it being understood that he was about concluding an arrangement of the payments on the loan, which he will, of course, promptly transmit to the Legislature, on its completion.

IV. Have any of the proceedings of the directors of the State bank not been recorded?

Answer. The proceedings of the board of directors of the State bank have been duly recorded—all the orders and resolutions at full length, and the reports also generally at length.

V. Have the directors of the State Bank failed to apprise the legislature of any violations of the charter which have heretofore come to their knowledge?

Answer. Much solicitude and care have been from the first expressed by the directors of the State Bank, with regard to any apparent infringement on the charter, by any of the branches.

When any thing occurred which appeared to any of the members questionable, the disapproval of the board, and when deemed necessary, their peremptory order on the subject, have been expressed, having of course, always in view, as well the observance of the charter, as the usefulness, the safety and the profit of the capital stock of the State, and others in the branches.

The regard of the branches to such remonstrances and orders have been such as not to seem to Mr. Merrill, (to whom the making of the reports of the bank to the legislature, as required by the charter, has been usually committed by the board) to call for further reference thereto, in such reports, than he has from time to time made.

Many questions have of course arisen, in operating under a charter which, in the variety and novelty of many of its provisions, is without a precedent, as to the spirit and intent of these provisions; and although the watchfulness and care on this subject, have been doubtless greater in some branches than in others, yet it is believed, considering the number of branches, and the variety of opinion naturally existing among so many directors, as are in the thirteen boards, much less difficulty has been experienced in settling and adhering to the intent and spirit of the charter, in the operations of the branches, than could have been anticipated. An universal acknowledgment of the obligations of the charter, has been readily made by every branch; and provision has been made by the directors of the State Bank, for the prompt trial and suspension or correction of any branch contravening its privileges; which power has never, however, been required to be used to extremity.

In the reports made to the legislature, there has doubtless been neither a desire to withhold nor obtrude any thing on the subject.

VII. What is the proportion of the two political parties of this country, in the directory of the branches, appointed by the State Bank?

Answer. I am entirely unable to state, what is the proportion of the political parties of this country, appointed in the directory of the branches, by the directors on the part of the State in the State Bank. It has certainly never been, as far as my knowledge extends, any cause of inquiry, as to the appointment of any such directors, as to which political party they gave preference; unless it should have been made to avoid unintentional preference to any one party in such ap-

pointments. The branch directors for the State, are not appointed by the directory of the State Bank, but by that part of it only which is appointed by the State; and as, when the board has been full, there have always been, from the first, gentlemen of each of the prominent political parties in that part of the State Board appointed by the State, they would of course only be satisfied by impartial action on this subject. In every instance, I believe these appointments have been made by the united concurrence of every member on the part of the State of the board of directors. I have very frequently heard Mr. Merrill express anxiety that impartiality on this subject should be carefully adhered to.

Having however, as cashier, nothing to do with these appointments, I am unable to give the reasons of any particular appointments, or the proportion of each party now or heretofore so appointed.

VII. What is the discount or premium now or of late charged on bills of exchange, beyond the cost of transporting specie?

Answer. The rate of the purchase of bills of exchange in the branches not being reported, except in one instance, I have not the means of ascertaining, in the office, the rate, time, or cost of the purchase of bills. In the instance reported, the latest rates were, on bills running six months, on New Orleans $2\frac{1}{2}$ per cent. exchange; on Louisville, 4 months, 1 per cent; for a less time $\frac{1}{2}$ per cent. This is at the branch at New Albany.

VIII. By what authority did the bank furnish an instalment of the State Stock to the 13th branch in advance?

Answer. The capital of any of the branches is subject to increase at any time, from the surplus revenue means, on the part of the State, under the provision of the law of this State, entitled "An act to provide for distributing so much of the surplus revenue of the United States, as the State of Indiana may be entitled to and receive, by virtue of an act of Congress approved June 23, 1836," approved February 6, 1837. And the addition to the State capital in the 13th branch, in advance of the time fixed by the board for the individuals to pay in their instalments. was made under such authority to increase, until such period of mutual payment of the second instalment, when it would be a component part of the State's instalment.

The reason, as well as the authority of such increase in advance, of such State stock, is manifest; because the means not being always at command on the part of the State, to meet her instalments at the precise period fixed for the payment by individuals, it has been necessary to embrace every opportunity of providing these funds, that the State might not be delinquent in such payment, and that the State might have the immediate benefit of such investment from the date of the funds being furnished. The branches were expected to enter the same as capital stock of the State, at the period of such receipt, as an increase of such capital, until the period of instalment payment, and pay the State the regular share of dividend thereon, from the date of such receipt of the funds. The propriety of hastening the increase of

the stock of the State in the branches, on improvement account, will, of course, be appreciated by the committee, as the profit tends directly to diminish the amount necessary to be raised by taxation for the payment of interest on the State bonds.

IX. What are the respective amounts of the different denominations of the existing circulation of the bank?

Answer. The amounts of the respective denominations of bank notes issued to the branches for circulation are as follows; but the amount of each kind in actual circulation, I have not the means of ascertaining, as the the issue of paper is actually done, taken in, and re-issued by the branches:

\$5 notes,	-	-	-	-	\$1,553,090
10 "	-	-	-	-	1,064,360
20 "	-	-	-	-	1,064,360
50 "	-	-	-	-	192,500
100 "	-	-	-	-	385,000
20, 50 and \$100 bills for post notes,	-				180,180
6, 7, 8 and \$9 bills,	-	-			96,000
					<hr/>
					\$4,535,490

Of this amount, there was in the branches, and not in circulation, on the 16th November, 1839,	-	-	-	-	1,583,896
					<hr/>

The amount, then, in circulation being	-	\$2,951,594
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The proportion of each kind in circulation may be estimated from the proportion above issued.

All of which is respectfully submitted.

JAMES M. RAY, Cashier.

Office of the State Bank,
Indianapolis, December 18, 1839. }

No. II.

Further inquiries of the committee, and replies of James M. Ray Cashier.

Questions by Mr. Fisher:

Question. Has the State Board received at any time any inform-

tion of the suspension of specie payment by any of the branches in any instance, or of a resolution to do so, since 1837? If so, what has been the action or order of the Board thereupon.

Answer. At the last session of the Board, in November, the subject of a suspension by the banks of the adjoining and other states, as well as the conclusion of some of the branches, that they would refuse to pay specie on their notes to brokers or people from other states, was brought up, and discussed. The suspension in other states, and the conclusion of some of the branches to do so in the cases above referred to, was distinctly understood—and the action of the Board on the whole subject was as follows:

Among the references to committees was the following: "The subject of the suspension of the various bank in the adjoining states, and the proper course to be pursued by the State Bank of Indiana in relation thereto."

"The select committee to whom the same was referred reported the following resolution:

Resolved, That upon the subject of the suspension of specie payment by the banks of the adjoining states and the action of the State Bank in reference to the same, the first consideration is that which involves the preservation of the faith, credit and usefulness of the institution. That in reference to the condition of the branches, as affected by *their own operations*, no necessity exists for a resort to a suspension of specie payments.—That, while such is their condition, under the influence of *their own measures*, it is not to be disguised, that the attitude in which *they may be placed* by the banks of the adjoining states, which have suspended, and others influenced by this state of things, may compel branches to act upon the principle of self preservation and defence, and *suspend specie payment*. It is only when any of the branches are in imminent danger from these sources, that they should throw themselves upon this dernier resort. With these views, it is apparent that this board, in reference to the future operations of the branches in regard to this subject, cannot undertake to define the combination of circumstances which should impose the dire necessity upon any of them of a suspension; but from the nature of the case, this measure must for the present, be confided to the sound discretion of the branches respectively, for their action, as the occasion shall require,—which resolution was adopted.

Question. Has the State Board at any time been informed, that any of the branches discounted or purchased nominal bills of exchange, so as in fact to receive a higher rate of interest than 6 per cent. If so what has been the order or action of the board thereupon?

Answer. Complaints have come to the knowledge of the directors of the State Bank as to some of the branches having purchased nominal bills of exchange,—Resolutions of the Board have been passed expressly prohibiting it, and it is now made the duty of the examiners of the branches to inquire whether the practice prevails still in any of the branches, and if so to report the facts for the action of the

Board. As to many of the branches, nothing of the kind has been heard, but in others, the Board had been informed of the purchase of such bills.

I have not heard any thing recently on the subject except the resolution giving instructions to the examiners on that point which passed at the session in August 1839. It was presented I believe by Mr. Merrill, but I do not know the occasion of it.

Question. Has the State Board at any time received any information that any of the branches have received or paid out any notes under the denomination of \$5? If so, what has been the order or action of the Board thereupon?

Answer. No order or action of the Board has ever been had on the subject, nor do I know of any information being received by the Board other than the knowledge that some, if not all of the members of the Board must have had personally, that some of the branches had received and paid out such notes.—In other branches, it has been known that they never have done so.

Question. Has the State Board been apprized that the branches have been in the practice of receiving and paying out notes of any denomination issued by a bank or banks without this state.

Answer. It has, I believe, been well understood by the members of the Board, that many if not at all the branches were in the habit of paying out the paper of banks out of the State, which they received from their customers. This has been more the case I presume, in the interior branches, from which it would be more difficult to reach the foreign bank issuing them, than in the branches on the Ohio.

Question. Has the State Board been apprized, that the branches have aimed to pay out for circulation in their own neighborhood, the notes of distant branches? If so, has the State Board sanctioned that practice?

Answer. It has certainly been known to the members of the Board, that exchanges have been made by some of the branches, with others, of their paper circulation—and that this has been the case especially with the branches most exposed to having large quantities of their paper brought home by brokers and agents of foreign banks—no action of the board has ever been had on the subject.

Question. Has the State Board directed the branches to discriminate in loans and discounts, between different classes of persons and branches of business? If so, at what time?

Answer. The principal urgency on the part of the Board on the branches, on this subject, has been their repeated recommendation, that in making loans, special reference should be had to aid the exportation of the produce of the soil. This was done at November session 1838, and at previous sessions, I believe.—Resolutions were also adopted to the same effect at their last session, November 1839, with the expression by a committee, that the time had now come, when bank accommodations, if granted at all, must be on business paper to facilitate exports, and aid in the mechanical and manufacturing operations of the State.

I do not know of any other acts of the Board in relation to the subject of this inquiry.

Questions by Mr. White.

Question. Was the report of the committee to whom was referred the subject of the charges against the branch at Lafayette, and by yourself extracted and furnished said branch, as being a part of the proceedings of your Board, at their August session 1838, ever recorded? If so, when was it done?

Answer. The report of the committee to whom was referred the subject of the charges against the branch at Lafayette, and which is referred to in the above inquiry, was duly recorded in its regular place among the proceedings of the Board, on pages 241, 242, 243 and 244 of their record, on August 15, 1838, as part of the business of that day; and a copy thereof was by me transmitted to that branch, according to the order of the board.

Question. Do you know any thing of its being in manuscript before the evidence was read before the Board? If so, who framed it, and from what source did such person gather his matter.

Answer. I do not.—The report speaks “of the evidence adduced before the Board.” It is in the hand writing of Mr. Fitch, who reported it from the committee to whom it was referred, with the exception of the second resolution, which is in the hand writing partly of Mr. Dunn and Mr. Merrill, and which seems to have been made by Mr. Fitch a part of his report—his second resolution being crossed with ink.

Question. What proceedings were had relative to the overdraft permitted by the teller of the Lawrenceburgh branch to some of the directors to the amount of \$10,000—Were such proceedings recorded?

Answer. The only reference on the books or among the papers of the Board, that I am aware of, as to this inquiry, is contained in a letter of Mr. Merrill's to Mr. M'Cormack of Lafayette, in which it is stated in the following words:

“The teller of the Lawrenceburgh branch on one occasion took as cash of a very wealthy man, a check on a Cincinnati bank payable in ten days, if I recollect. The parties were not friends, and the check was perhaps better than the cash in the branch.” In this letter Mr. Merrill speaks of the circumstance having been reported to the State Board. It must have been in a verbal statement—as I have found no written report referring to it, nor were any proceedings ever had by the Board on the subject—of course none were ever recorded.

Question. What proceedings have been had relative to the overdraft permitted by the teller of the branches at South Bend to the amount of \$12,000, for the purpose of furnishing specie funds to a friend to bet upon an election? If any, were such proceedings recorded.

Answer. I heard of such report, either from Mr. Merrill or the director from South Bend about the time of the last meeting of the

Board, or during that time, but it was not brought before the Board, farther than probably the report was talked of among the members or some of them. No proceedings were had, or proposed on the subject. Of course none were recorded. In writing since the session of the Board, to one of the directors of that branch, Mr. Merrill spoke of the report, and added that if a Branch Board should suffer a director to remain among them, who had illegally drawn money from a branch, even for two hours, for the purpose of betting or for any other purpose, such conduct would deserve censure, and perhaps suspension from the State Board.

Question. Is Samuel Merrill a defaulter to the sinking fund now, or has he been at any time since he was president of that Board.

Answer. The only amount of the sinking fund now in Mr. Merrill's hands is six hundred and sixteen dollars, taken on his starting east a few weeks since, to pay for the transportation of specie by stage, &c., to New York, to meet the interest which the sinking fund had to pay there on the first day of January 1840, on the State bonds for banking purposes, and for which eastern exchange could not be procured; and to pay his expenses on his trip.

Mr. Merrill has had large amounts of the sinking fund in his hands, all of which has been from time to time accounted for. The proceeds of the State loans have been paid to him, so far as they related to banking purposes. He has made the payments of the instalments therefrom to the branches—has made and paid over most of the loans to stockholders—and has made the greater part of the loans to citizens on real estate. The largest amount he has had in his hands at any one time, which he has not accounted for in loans made, has been, with the exception of the balances arising from State loans as above about nine hundred dollars, and which has been during the present year, for a time, much smaller sums at other times. All of which has been accounted for, either in allowances or cash, excepting the amount taken on his present trip as above, \$616 00.

Question. What proceedings were had relative to the over draft of \$500 by the cashier of the Terre Haute branch, and were such proceedings recorded?

Answer. I do not think I ever heard of such a report. If such a matter was ever spoken of before the Board, I have no recollection of it. No proceeding on such a subject has ever been had that I know of by the Board. Of course none has ever been recorded.

Question by Mr. Stewart. Do you know that any proposition or insinuation has been made by any officer or director of your bank to any member of the present Legislature, that the bank would loan the State any sum of money upon condition of being authorized by the Legislature to issue a million or any other amount, in notes under the denomination of \$5.

Answer. I had not heard a word said on the subject of small bills of the State Bank, until the session of the Legislature. The subject was not mentioned at the last session of the directors of the State Bank, or at any former period, as I recollect. I mean so far as relates to

any idea of the bank issuing them, or applying for such power. The subject of small bill issues may have been some time incidentally mentioned. They have not asked for the privilege, nor do I believe they will.

What I have said on the subject has arisen as follows:

I have been asked at different times by members and others, during the present session of the Legislature, whether in my opinion the bank could do any thing more for the State for the purpose of paying off the contractors. Among others, the question has been asked by a committee of the House of Representatives, under the following order of the committee.

“On motion of Mr. R. Hull,

Messrs. Ever^{ts}, Carlton and Hunt were appointed a sub-committee to wait upon the officers of the State Bank, and ascertain upon what terms they will furnish the means for the paying off contractors upon the public works.

A. LANE, Chairman.”

As the management of the business, the making of all discounts, &c. is altogether left by the charter, with the branches, (subject to the supervision of the directors of the State Bank,) the officers of the State Bank could make no reply to this until the subject should be laid before the branches, which has been done.

As far as my own opinion is concerned, my reply has been to the effect: That the branches would have gone further than they have done in advancing to the State the means of payment of the balances due to contractors without any hesitation and without waiting for any action of the Legislature, if they had felt able to do it; but that the present advance of about \$655,000 not being repaid according to contract, by the State, had probably lessened the loans to the community during the past season and fall \$900,000 and that while that was unpaid, and the \$294,000 State bonds held by the bank for its advance to the State of the 4th instalment, continued unavailable. I did not believe the branches would feel it in their power to do it.

That the proposition for the bank to issue post notes for the above purpose would be entirely futile. The branches having now that power under the charter, but declining to exercise it, believing it neither beneficial to the bank nor the community.

I have been asked also, whether the issue of small notes would enable the branches to increase their loan to the state, so as to pay the contractors, and have replied, that I thought if the branches should approve of it, they could certainly enlarge their circulation by that means, and be able to extend their business and loans somewhat both to the State and the community; that I thought it would be in their power to advance further to the State three or four hundred thousand dollars by the means of having the privilege as they should choose to exercise it, of issuing small bills to an amount equal to the whole of the State's indebtedness to the branches, which would then be a million.

This of course, I only stated as my opinion, adding that whether the branches would adopt small issues, even if offered by the Legisla-

ture, was entirely uncertain, as I know some of them were decidedly adverse to such issues, deeming the expense and labor attending such issues, equal to any value in the increased circulation, and having doubts as to the policy or propriety of such an issue.

Question. What effect will the issuing of \$1,000,000 under the denomination of \$5, have upon the present circulation of the bank?

Answer. A million or any large amount of such an issue thrust out at once, or in any way so as to make the proportion of them, to the larger circulation, greater than that of the foreign small bills now in the State, would injuriously affect the circulation of the bank and the currency of the country. But if an issue was made gradually and naturally, and by taking up and sending home the small bills of foreign banks, and substituting the small bills of the branches for them, so as to take their place, the circulation of the bank might be considerably increased thereby. This increase, as the use for such paper extended through the western country would be progressive, as the bills of the State Bank of Indiana would be much preferred to those of most of the banks issuing them, whose standing is unknown.

The foreign small notes could be taken in and sent home by notice being given, that all of them that were offered to the branches within a given time would be received, and similar notes of the branches substituted for them.

While the above appears to me a natural view of the result of such an issue, it will be in place to add, that it is the decided opinion of many practical men in the branches, that the advantage of circulation thus obtained would be fully balanced by the expense, labor, and just objection to such an issue.

Respectfully submitted,
JAMES M. RAY.

December 24. 1839.

Sworn to by the chairman of the committee 11th January 1840.

The chairman also laid before the committee a resolution adopted by the House of Representatives, in the words following:

Resolved, That the committee on the State bank be instructed to ascertain of the State bank and branches, if they, or either of them, have made propositions to any person or persons, for the purpose of inducing the Legislature to authorize them to issue notes of a less denomination than five dollars, and whether any proposition or insinuation has been held out to said persons, that said bank or any or either of said branches would loan this State a million of dollars, or any other sum, in case they were allowed said privileges, and that said committee have leave to send for persons and papers, and report to this House as soon as practicable.

The chairman also laid before the committee the following preamble and resolution, adopted by the House of Representatives.

Whereas, the conduct of the president, directors, and stockholders of the Lawrenceburgh branch of the State bank of Indiana, has been represented such as to excite strong prejudices in the minds of the

people, *and whereas*, it is believed that the officers of said branch have adopted a system of favoritism which is at war with the best interests of the public, and corruptly refused to redeem their notes with specie, when demanded at their counter; therefore,

Resolved, That the subject be referred to the committee on the State bank, with instructions to inquire into the truth of said allegations.

The serjeant-at-arms of the House of Representatives returned a summons issued by the Speaker of the House of Representatives directed to B. I. Blythe, Calvin Fletcher, Samuel Judah, Thomas Baird of St. Joseph, and Henry Brady, duly served;

Whereupon, Mr. B. I. Blythe, being in attendance, and duly sworn, was questioned, and answered as follows:

Question 1st. Do you know of any propositions or insinuations having been made to any member of the Legislature, that if said Legislature would give the Bank the privilege of issuing small notes, then, in that case, the bank would loan the State of Indiana a million of dollars, or any other sum?

Answer. I do not.

Question 2d. Are you an officer of the bank?

Answer. I am a director in the branch at this place.

Question 3d. Can the bank at this place sustain itself under specie payments, with any considerable addition to its present circulation, even in small notes?

Answer. I do not think it could, if the small notes should be returned with the rapidity that notes of a large denomination would be—but do not think they would be returned with that rapidity.

Question 4th. Would not the issuing of small notes reduce the large note circulation?

Answer. I think it would, in a certain degree.

Question 5th. Can the branch sustain itself under its present circulation, and pay specie for all demands against it, in the usual course of business.

Answer. It think it can.

Question 6th. Do you not think that a decrease of the circulation of large notes would be equal to the increase of circulation of small notes?

Answer. I think it would.

Question 7th. Does the branch now redeem her notes in specie that are presented for payment?

Answer. I think not.—I believe it redeems what is presented in a regular way, but not what is brought by brokers. I have not heard that the branch has ever refused, but understand that the officers of the bank have determined to refuse in such cases, under an impression that the board would sustain them in so doing.

Question 8th. Do you consider that a refusal by the bank, to redeem its paper when presented by any person, would be in violation of its charter?

Answer. I do not consider it would be a violation.

Question 9th. Has the bank been lately discounting promissory notes, or buying bills of exchange.

Answer. The bank has discounted but very little in promissory notes, but has been engaged in buying bills of exchange.

Question 10th. To what amount of bills of exchange has the bank purchased, since it has been understood that it would not redeem its bills if presented by brokers?

Answer. Does not know.

Question 11th. On what points have those bills been generally drawn?

Answer. On Madison and Cincinnati.

Question 12. At what rates have bills been purchased or discounted?

Answer. For interest, and from one half to one per cent. exchange, on four months bills, which is the usual time.

Question 13th. Does the bank make any distinction, as to the rates of exchange, between Madison and Cincinnati?

Answer. I think not.

Question 14th. Has the bank purchased any bills of exchange on New York or Philadelphia?

Answer. Does not know.

Question 15. Are those bills on Madison and Cincinnati purchased on the belief that funds will be provided there, by the transmission of produce to those points?

Answer. Yes, certainly.

Question 16th. In what manner does the circulation of this branch return upon it?

Answer. In the payments of debts due the bank, in deposits and demands for redemption paid in specie.

Question 17th. How long has it been since it was understood that this branch would not redeem its notes, if presented by brokers?

Answer. It was about the last of October.

Question 18th. Since that measure was concluded on, how much has the issues of this branch, of its own paper, or that of other banks, exceeded its income?

Answer. I don't know.

Question 19th. Since you have been a director, has your branch purchased bills of exchange which have been paid at this branch?

Answer. Not to my knowledge.

B. I. BLYTHE.

Mr. Fletcher, sworn.

Question 1st. Do you know of any propositions or insinuations having been made to any member of the Legislature, that if said Legislature would give said bank the privilege of issuing small notes, then in that case said bank would loan the State a million of dollars, or any other sum.

Answer. I do not. I have had conversations with Mr. Brady and

Mr. Ray, and a very slight conversation with Mr. Judah, respecting the issuing of small notes.

Question 2d. Should the Legislature authorize the bank to issue bills of a less denomination than five dollars, would it not enable the bank to increase her present circulation, and would such a privilege be more profitable to the bank than the privilege of issuing bills of a larger denomination than five dollars, to an equal amount?

Answer. If the small notes should obtain the same credit in other states that bills of the same denomination have in Indiana for the last three years, I believe the bank might maintain a larger circulation than she now does; but should the circulation be confined to our own State, I do not believe circulation could be extended, or the small bills issued made profitable.

Question 3d. Can the State Bank and branches sustain themselves under their present circulation, and pay specie for all demands against them in the usual course of business?

Answer. I answer in the affirmative.

Question 4th. Can the State bank sustain itself in specie payments, with an addition of \$1,000,000 to its present circulation in small notes, without an increase of specie basis?

Answer. The bank might possibly sustain itself in specie payment—but I should suppose, at present, it would be a hazardous experiment.

Question 5. What effect, in your opinion, has the loan of \$655,000 by the Bank to the State, had upon the commerce of the country?

Answer. The monthly payments to the contractors during the last season by the branches which were to have been settled by the State in New York in 60 days thereafter, according to contract, amounting it seems to \$655,000 not being paid agreeably to such stipulations, has prevented the extension of the business of the branches, which would have been predicated upon such expected payments at New York, to an amount I would suppose of a million of dollars.

The six hundred and fifty five thousand dollars, having been paid to contractors and by them diffused to laborers, farmers and others during the summer and fall, facilitating of course for a time, the business and commerce of the country leads me to the conclusion that the result of the advance not being paid, has prevented additional means from being furnished to the community for trade during the past fall and present winter, to an amount of half a million of dollars; as a good part of the \$655,000 so advanced to contractors, was sent home for redemption before the fall and winter trade fairly commenced.

CALVIN FLETCHER.

The chairman laid before the committee the following preamble and resolution of the House of Representatives.

"Whereas, many contractors on the public works of this State having expressed a willingness to receive in payment of half the amount due them by the State, State bonds or scrip, redeemable in years and bearing per cent. interest, payable semi-annually

in New York, provided the other half can be paid in the paper of the State Bank or other par bank paper.—Therefore,

Resolved, That the committee on the State Bank be and they are hereby instructed to take the matter into consideration, make the necessary inquiries of the bank and report to this House as early as possible, the practicability of thus paying said contractors.

On motion of Mr. McGaughey,

Ordered, That the committee adjourn until next Monday evening at half past six o'clock.

10TH MEETING OF THE COMMITTEE.

The committee met Monday evening, January 6th, pursuant to adjournment.

Present—Messrs. Bowles, White, Stewart and Robinson.

B. F. Morris, Esq, cashier of the branch at Indianapolis, attended before the committee, but not having brought his answers to the general interrogatories heretofore served upon him, (although he stated they were made out,) his attendance before the committee was dispensed with this evening, and required to attend before the committee on next Thursday evening at half past 6 o'clock, until which time the committee on motion, adjourned.

11TH MEETING.

At a meeting of the House of Representatives committee on the State Bank held pursuant to adjournment, on Thursday evening, January 9th, 1840.

Present—Mr. Bowles, chairman; White, McGaughey, Stewart and Robinson.

B. F. Morris, Esq, cashier of the Branch Bank at Indianapolis, being in attendance produced the following answers to the general interrogatories, a copy of which had been previously served upon him, to wit:

Answers to interrogatories addressed to the officers of the Indianapolis branch of the State Bank of Indiana, by the standing committee on the State Bank appointed by the House of Representatives.

INTERROGATORY NO. 1.

The number of persons indebted to this branch as drawers of notes and acceptors of bills of exchange, at the date of our last report to the Legislature was two hundred and sixty-eight.

INTERROGATORY NO. 2.

The eleven directors of this branch, at the date of our last report, were the owners of three hundred and eighty

three shares of stock amounting to	\$19,150
They were then indebted as payors in the sum of	46,335
They were liable as partners with others, who were liable with them, for the same in the sum of	25,122
They were liable as endorsers with others, who were also liable with them, for the same to the amount of	83,074

INTERROGATORY NO. 7.

On the third Saturday of November 1838, the directors of this branch were liable as payors to the amount of	\$74,112
As partners with others who were liable with them for the same amount,	40,885
As endorsers with others who were liable with them for the same amount,	68,052

INTERROGATORIES NOS. 3, 6, 8, & 10.

The whole number of stockholders in this branch at the time of our last report was sixty-eight, owning stock to the amount of	\$170,000
Of these, seventeen held stock in sums not exceeding each,	500
Sixteen were stockholders in sums above \$500 and not exceeding	1000
Twenty-seven in sums above \$1000 and not exceeding	5000
Five in sums above \$5000 and not exceeding	10,000
Three in sums above	10,000
The number of stockholders other than directors, that were borrowers, was twenty-five; owning stock to the amount of	100,300
They were indebted as payors in the sum of	135,098
They were liable as partners with others, who also were liable with them, for the same amount	44,904
They were endorsers on the paper of others, generally with other endorsers, who also were liable for the same,	93,981

There were thirty-two stockholders holding stock to the amount of \$50,550 that were not indebted to the bank.

It may be proper to remark, with reference to loans to stockholders, that the rule is, invariably, to require the same security from them that is required of others; and as the charter gives the bank an absolute lien upon the stock of any debtor for the amount of the debt, such loans may be said to be doubly secure.

The amount of stock owned by persons indebted to the bank to an amount equal to their stock or beyond it, was

Leaving stock to the amount of \$91,900 in the hands of persons who

were not indebted to the bank or were indebted in sums less than the amount of their stock.

INTERROGATORIES NOS. 4 & 5.

The amount due to the bank at the date of our last report was from individuals on account of loans and discounts	-	-	-	-	\$401,006 99
From the State of Indiana for 6 per cent. bonds,					39,000
And for cash paid to contractors on the public works which has not been refunded,					\$84,011 \$123,011
<hr/>					
Total amount due the bank, excepting bank balances,	-	-	-	-	\$524,017 99
Of this, the amount loaned to persons in Indianapolis was	-	-	-	-	218,435
To persons in the county,	-	-	-	-	25,385
To persons elsewhere,	-	-	-	-	157,187

These loans were divided among one hundred and five who were principally engaged in merchandize, and whose accommodations amounted to \$224,302, of this sum about \$50,000 was invested in produce shipments.

Fifty-four who are mechanics and manufacturers, whose accommodations amounted to	-	-	-	\$57,613
Fifty-six who are producers, whose loans amounted to				48,216
Fifty-three who are properly referable to neither of the above classes, such as inn keepers, professional men, &c. &c. or whose particular occupations are unknown to me, whose accommodations amounted to				48,876

In making this exhibit of the distribution of the accommodations and classification of the debtors of the bank; I will remark for the purpose of presenting the subject in a correct point of view, that although but a small portion of the community are directly accommodated with loans, yet the *indirect* accommodations of the bank are very generally distributed among the people, and especially among that portion that stand most in need of relief at the present time. It has been ascertained by an inquiry recently made, that there is now due to the merchants, mechanics and manufacturers of the town of Indianapolis from the citizens of the surrounding country above three hundred and fifty thousand dollars, and almost exclusively from the farmers. This large sum, being above one hundred and thirty one thousand dollars more than is due from the citizens of the town to the bank, the merchants and others in the town could not permit to remain in the hands of their customers but for their bank accommodations. And whenever payment of the debts due the bank are required, it is evident that in the same proportion the payment of the debts

due from the country must and will be required. Every farmer that owes a balance to his merchant or mechanic, and has been indulged beyond the stipulated time of payment, is in fact as much indebted to the bank for this indulgence, as if he had borrowed the money of the bank to pay his debt. He is better accommodated because he is exempted from the loss of time and trouble of attending to the renewing his note in bank.

The same remarks will no doubt apply to the loans made to the merchants and other dealers in the neighboring towns. They are enabled to indulge their customers just in proportion as they are indulged by the bank; and when they are required to pay, they will of course resort to their customers for the means of payment. And should any occurrence render it necessary for the bank to make prompt and large requisitions upon its debtors during the present scarcity of money and depression of prices, there no doubt would be much embarrassment among those that are directly indebted to the bank, but the whole weight of distress, of sacrifice, and of ruin, would fall upon those that are indebted to them.

INTERROGATORY NO. 9.

The suspended debt of this branch at the date of our last report to the Legislature was \$5592, no part of which was due from stockholders, but was altogether due from the producing class of the community.

INTERROGATORY NO. 11.

There were not exceeding eight or ten loans made to persons who are now stockholders within one month after the bank went into operation, all of which I believe have long since been paid. At the time additional subscriptions for stock were received in this branch, several persons became subscribers for new stock, who were then, and previously had been and still are debtors to the bank, in such sums at different times as their business required; but no increase of accommodation proportional to the increased amount of stock has been made to any one within a month after such subscription was made. There are no stock loans in this branch.

INTERROGATORY NO. 12.

There was one loan of \$400 to a citizen of an adjoining State. The bank is in the habit of purchasing bills of exchange from persons who come from the east to purchase the produce of the west. The money in such cases is paid to the foreigner who pays it out in the country for produce, and repays the money at some point beyond the State where it is advantageous to the bank to have funds. At the date of our

last report, this branch had bills to this character of the amount
of - - - - - \$22,500

INTERROGATORY NO. 13.

The lowest amount of specie in our vault since the branch
went into operation was on the 15th August 1835, when
it stood at - - - - - \$48,852
At that time the capital of the bank was - - - - - 80,000
The highest amount was in April 1836, when the capital
of the bank was \$120,000. The specie then on hand
was - - - - - 190,282

INTERROGATORY NO. 14.

On the 20th May, 1837, there was received at this branch from the
directors of the State Bank, the following communication:

STATE BANK OF INDIANA, }
May Session, 1837, of the Board of Directors. }

"It is hereby certified that the following preamble and resolution
were adopted at said session."

"Whereas, it has come to the information of this institution that an
entire suspension of specie payments has taken place by the banks in
the cities of New York, Philadelphia including the bank of the United
States, Baltimore and Cincinnati: And whereas, the banks in these
cities are heavily indebted to the branches of the State Bank of Indi-
ana: And whereas, the safety of this institution and the interests of the
State being so large a stockholder therein, and of the people of this
State require that the large amount of specie now in the vaults of the
branches being retained from being drawn out to other States and
banks; therefore be it

Resolved, That it is the opinion of the Board of Directors of the
State Bank of Indiana, that it becomes the painful necessity of each
branch of the State Bank to suspend for the present specie payments
until the resumption of the same by other banking institutions of the
west; except in cases of private deposits made with an understand-
ing of payment in specie, and of pensioners who should always be
paid in specie."

On the same day a special meeting of the Board of Directors of
this branch was convened, and in view of the foregoing preamble
and resolution of the State Bank, unanimously adopted the following
resolution:

"*Resolved*, That this branch in compliance with the opinion expres-
sed in the said resolution of the State Board, will for the present, sus-
pend specie payments, except in cases of *bona fide* application for small
sums for the convenience of change."

Under these resolutions this branch suspended specie payments until the general resumption in August 1838.

The General Assembly of this State at their session of 1837-8 adopted the following resolution, approved February 15, 1838.

"Be it resolved by the General Assembly of the State of Indiana, That the recent suspension of specie payment by the branches of the State Bank of Indiana, was justifiable and necessary under the then existing circumstances and that the approval thereof by the directors of the State Bank was properly given."

The foregoing are all the orders and resolutions, relative to the suspension of specie payments, of which I have any knowledge.

INTERROGATORY NO. 15.

We have.

INTERROGATORY NO. 16.

We have received and paid out notes of other banks of less denominations than five dollars; but have no data from which we can form any estimate of the amount within the last year. We have received much more than we have paid out, having at different times sent away considerable sums for exchange.

INTERROGATORY NO. 17.

In 1838 this branch became the purchaser, of the fund commissioners of thirty-nine thousand dollars of the Indiana six per cent bonds.

Under an agreement with the fund commissioners, by which this branch at its own risk and expense, was to make disbursements to the contractors on a portion of the public works, and at the end of 60 days from the close of each current month, receive a credit in New York for the moneys thus advanced, this branch made payments to the contractors from time to time until, in August last, when the State failed to make further payments according to the contract with the fund commissioners, leaving the State in arrears to this branch for payments thus made to contractors, in the sum of \$84011, which still remains unpaid. The failure of the State to refund this money to the bank according to the agreement has operated as a serious loss and inconvenience to the surrounding country as well as inconvenience to the bank. The repayment of the money in New York at the time it was due would have enabled this branch so to arrange its affairs as to have loaned above one hundred thousand dollars in addition to what has been furnished to aid in taking the surplus Pork and other produce of the surrounding country to market, and by its circulation would have afforded essential aid to the payment of their taxes.

The repayment of this money at this time would afford great relief to the community from the pressure of the present scarcity of money by throwing it into immediate circulation.

The State owns stock in this branch to the amount		
of - - - - -		\$125,300
And is indebted to this branch as above for bonds	\$39,000	
And for payments on the public works	84,011	123011
		<hr/>
Leaving,		\$2,289

Of the State capital for the bank to discount upon for the benefit and relief of the people.

In November last, upon the united request of the fund commissioners and the executive officers of the State, and upon the recommendation of the President and Directors of the State Bank, this branch for the purpose of contributing all in its power to aid in maintaining the public faith and credit of the State, made an advance of \$25,000 to the fund commissioners, to enable them to meet the interest on the State bonds falling due in New York and in Europe on the first day of January 1840; to be reimbursed out of the State revenue for the year 1839, which by law had been specially set apart for that purpose, but would not be paid into the State Treasury in time to transfer the funds to New York to meet the interest on the day it would become due.

INTERROGATORY NO. 18.

The liabilities of the directors appointed by the State Bank at the time of their appointment in August last was

As payors, - - - - -	\$13,875
As partners with others who were also liable for the same	13,200
As endorsers with others who were also liable for the same	15,700

At the time of our last report the same directors were liable.

As payors - - - - -	\$12,458
As partners with others who were also liable for the same	10,475
As endorsers with others who were also liable	14,728

B. F. MORRIS, Cashier.

January 9, 1840.

B. F. Morris, Esq. having been sworn by the chairman, to the truth of the above answers, was also sworn to make further answers to such questions as might be put to him by the committee, and thereupon the following questions were put, and answers made, to wit:

Question 1st. How much specie is now in the branch at this place?

Answer. From \$82 to \$83,000.

Question 2d. What is the present circulation of your branch?

Answer. Between \$265,000 and \$270,000, exclusive of \$100,000.

sent to New Orleans to buy eastern funds, but does not know whether this sum will be used or not.

Question 3d. Are you purchasing time bills on New York?

Answer. We have purchased some.

Question 4th. At what time?

Answer. We purchased one to-day payable on the 1st June next.

Question 5th. At what rate?

Answer. At a discount of 1 per cent. and no charge for interest.

Question 6th. What do you charge for sight drafts on the east?

Answer. We have, since the late suspension in some of the eastern cities, drawn on Baltimore at 3 per cent. premium.

Question 7th. Do you not renew notes without curtailments, which would be suspended debt, provided the bank would insist on the curtailments?

Answer. The general rule in renewing notes, is to require payment. To this rule there are some occasional exceptions; as, where the board are satisfied that the individual has been disappointed in his reasonable expectations of obtaining money, and is therefore unable to make a payment, they do sometimes renew a note without any payment. But I do not know of any note renewed without payment, more than once in succession, by the board, under the belief that if payment was required, the note would fall into the list of suspended debt.

Question 8th. Could your bank increase its circulation at the present time, to any considerable amount, and sustain specie payments?

Answer. I would not be willing to make the experiment, as the cashier. I am not a stockholder.

Question 9th. Do you know of any proposition having been made to any member of the Legislature, that if the Legislature would allow the State Bank to issue small bills, the bank would loan to the State a million of dollars or any other sum?

Answer. I do not.

B. F. MORRIS, Cashier.

The chairman of the committee laid before the committee the following preamble and resolution, adopted by the House of Representatives:

"Whereas, It is represented and believed to be true, that Samuel Merrill, President of the State Bank of Indiana, recently returned from the east, where he has been engaged some time negotiating a loan to increase our bank stock; therefore,

Resolved, That the committee on banks be instructed to call on said Merrill for information, and to report to this House instantler, or as soon as practicable, the situation of our bank fund under his control, in New York or elsewhere.

The chairman laid before the committee the following letter, from Isaac C. Lea, Esq.

MADISON, Dec. 30, 1839.

Hon. W. A. Bowles:

Sir—A summons to appear before the committee, of which you have the honor to be chairman, on the 13th January, proximo, has been served on me; and as a good citizen of the State, it is my duty to respond to it, by giving my attendance. But, as I am considerably advanced in years, and not by any means robust, the thought has occurred to me, that an arrangement, with the consent of the committee, could be made equally subversive of the interests of the State, as my attendance.

Mr. Sering, the cashier, had intended visiting Indianapolis on business, immediately after the commencement of the coming year; should I give my attendance, he will be prevented from going. If, therefore, the object is to obtain information connected with the business of this branch, it is impossible that he should be *unacquainted* with any transactions of which I can have any knowledge. I would therefore respectfully ask, that a proposition may be made to the committee, that their order in respect to Mr. Sering and myself may be reversed. Waiting your answer,

I am very respectfully,

Your obedient servant,

ISAAC C. LEA.

The chairman laid before the committee a letter from John Douglass, Esq. cashier of the branch bank at Evansville, together with a certificate of which the following are copies :

Evansville Branch Bank, }
30th December, 1839. }

Sir—The sheriff of Vanderburgh county having this day served me with a writ, signed by you, to appear at Indianapolis, on the 13th day of January next, before the committee on the state of the bank; I beg leave to inform you that the situation of my health prevents me from complying with the same. In proof of this, I enclose the certificate of my physicians, which, I trust, will be sufficient to excuse me.

I remain respectfully,

Your most ob't servant,

JOHN DOUGLASS, Cashier.

To the Hon. J. G. Read, Speaker.

Evansville, Ia. 30th Dec. 1839.

We do hereby certify, that John Douglass, cashier of the Evansville branch bank, is now, and has been for upwards of twelve months past, in a very delicate state of health, and that he has for some months been afflicted with a complaint in the ear, which has threatened his

entire loss of hearing, but is now gradually recovering from the same. We, as his attendant physicians, have no hesitation in saying, that a journey to Indianapolis, in the present inclement season of the year, would be extremely dangerous to his general health, and might be attended with fatal results, as regards his hearing.

M. J. BRAY,
WILLIAM TRAFTON.

On motion, ordered, that the committee adjourn until next Saturday evening, at half past six o'clock.

12TH MEETING OF THE COMMITTEE.

At a meeting of the House of Representatives Committee on the State Bank, held pursuant to adjournment, on Saturday evening, January 11th, 1840:

Present, Mr. Bowles, Chairman; Messrs. Stewart, White, McGaughey and Fisher.

John Sering Esq. cashier of the branch of the State bank at Madison, being in attendance, was sworn by the chairman, and made the following answers to questions put to him by the committee:

Question 1st. Do you not renew notes without curtailment which would be suspended debt, provided the bank should require regular curtailments?

Answer. There have been instances where notes have been renewed without curtailment, which I believe would have been suspended debts, if curtailment had been required and insisted on.

Question 2d. Has it been your common practice to suffer notes to be renewed in that way?

Answer. No. sir.

Question 3d. How many persons are accommodated with loans by the discount of 591 notes and 95 bills of exchange mentioned in your answer to the first general interrogatory?

Answer. About one hundred less than the aggregate of both, as I suppose, but am not certain as to the number.

Question 4th. What is the additional liability of your directors as partners or otherwise, in any indirect or contingent manner, beyond the amount stated in your answer to the second general interrogatory?

Answer. I suppose about \$16,000. It may be some more or less.

Question 5th. What is the amount of the other liabilities, direct and indirect, of stockholders, besides those as drawers and endorsers?

Answer. I can't state with any certainty; but think it would not increase the amount over \$10,000.

Question 6th. What proportion of the \$73,815 loaned on the 213 notes mentioned in your answer to 4th interrogatory, is confined to the county of Jefferson?

Answer. About one third.

Question 7th. What proportion of the loans of \$127,000, stated to have been made to producers, was made to pork and other produce merchants?

Answer. About \$100,000 of that amount; of this, however, I cannot state with any kind of certainty.

Question 8th. How many persons are indebted to your branch on notes or bills of exchange over \$10,000?

Answer. I suppose six or seven persons.

Question 9th. How many are indebted over \$5000 and under \$10,000?

Answer. I suppose about 15 persons.

Question 10th. How many are indebted between the sums of \$5,000 and \$10,000?

Answer. I suppose about 25 persons.

Question 11th. Do you think that the capital of your branch could be enlarged with safety to the bank and advantage to the community?

Answer. I think it could.

Question 12th. To what extent?

Answer. I believe to double its amount.

Question 13th. What proportion of bills of exchange negotiated at your bank are nominal, or not intended to be sent to the place on which they are drawn for payment?

Answer. There are none such to my knowledge. When bills are purchased, I in all cases send them to the places where they are made payable; but sometimes, by after negotiations, bills are called back and settled at the bank.

JOHN SERING.

Sworn to and subscribed, }
January 15, 1840. }

N. B. Palmer, Esq. Treasurer of State, examined:

Question 1st. In what currency is the revenue of the State paid into the treasury?

Answer. Principally in bank paper. There has been \$186,000 paid in to me, and the balance of revenue has been paid into the different banks, with a view to facilitate payments of interest on the public debt. Out of the above amount paid to me, three-fifths was in Indiana paper, three-fourths of the residue in Illinois, and the balance in Kentucky, Ohio, and miscellaneous, including about \$300 in specie, and about \$1,000 in bills under the denomination of \$5.

Question 2d. Are the collectors in the habit of receiving all the small bills offered them in payment of taxes?

Answer. They tell me that they could not collect the taxes if they did not.

Questions by James White:

1st. Was S. Merrill a defaulter to the State at the time he was elected President of the State Bank of Indiana, or at the time he left the office of Treasurer of State? If so, to what amount, and what were the circumstances? for what purposes was the money used, and how was such default paid up?

To the foregoing interrogatory the undersigned answers as follows:

I don't know whether Mr. Merrill was a defaulter at the time he was elected President of the State Bank, as he continued to discharge the duties of the office until May following.

At the time I took personal charge of the treasury, May 24th, 1834,) the balance in the treasury, or rather in the hands of Mr. Merrill, late Treasurer, was - - - \$18,685 19

This balance was paid as follows:

1834.	May 24, cash,	-	-	\$9,000 00
"	June—By liquidation of sundry advances,	-	-	3,224 45
"	August, do do			289 11
"	October, do do			1,000 91
"	November, do do			381 87
"	December, do do			4,586 38
1835.	January—Am't of balance,			202 47
				<hr/> 18,685 19 <hr/>

Except the first payment, the balance was mainly adjusted, by the liquidation of salary, and other allowances and claims on the treasury at the dates mentioned; and on which Mr. Merrill had advanced money, prior to the maturity of those claims for auditing.

The main portion of these advances, were to the contractors for building the State house.

The December item of \$4,586 38, was altogether of this character. The undersigned was appointed Treasurer in February, 1834; but Mr. Merrill discharged the duties of the office until the 24th of the following May, at which time the books were first balanced, as above stated.

Respectfully,
N. B. PALMER.

January 11th, 1840.

P. S. It has been the practice of the person discharging the duties of Treasurer, to make advances to salaried officers and others, since the first organization of the State government, and is still continued by the undersigned; but these advances are always at the risk of the Treasurer.

N. B. PALMER.

The answer of John Sering, Cashier of the Branch, at Madison of the State Bank of Indiana, to interrogatories by the committee of the House of Representatives, dated December 16, 1839.

INTERROGATORY 1st.

Answer. I find it so extremely difficult to answer as to numbers and classes of persons, at any given time past as we keep no accounts showing any distinction of persons, that I found it better to take the Notes and Bills as they stand on 31st Dec. 1839, and my estimate is made upon that data.

The number of discounted notes is 591,

And the amount loaned on these notes is \$309,243 04

The number of Bills of exchange is 95, and the amount paid out for the purchase of these bills is \$162,794 28

INTERROGATORY 2d.

Answer. The liabilities of the directors of the branch, I find to be as follows, viz: as drawers 38,686, and as endorsers 13,109.

INTERROGATORY 3d.

Answer. The liabilities of other stock-holders, I find to be as follows, viz: as drawers 51,135, and as endorsers, 24,176.

INTERROGATORY 4th.

Answer. The number of notes discounted for persons in town, is 363, and the amount loaned on these notes is 220,839, and the amount loaned to persons in the county is 73,815 on 213 notes.

INTERROGATORY 5th.

Answer. As near as I can class the borrowers on notes discounted, the classes will stand as follows:

1st, to Merchants	-	92,344 04
2d, to Manufacturers		89,199
3d, to Producers		127,700—309,243 04

I have put in the first class those who are engaged in the importation and sale of Dry Goods and Groceries. In the second class I have included the Manufacturer, the Mechanic, and all those whose business appears to approximate nearer those classes than any others, and in the third class I have included the Farmer, the dealer in the produce of the country, and those whose business or occupation appears to approximate nearer those classes than any other.

INTERROGATORY 6th.

Answer. The number of stock-holders on this Branch is 46.

6	of them own stock to the amount of \$500 and under.	
9	between \$500	1,000
21	between 1,000	5,000
4	between 5,000 and 10,000	
3	over 10,000	

INTERROGATORY 7th.

Answer. The number of stock-holders who are borrowers is 34 and have on loan 92,821, including the directors, leaving \$78,179 of stock independent of its proportion of the surplus fund belonging to individuals who have no loan or less than their stock!

It is perhaps but justice for me to State, that there are three individual stock-holders who own upwards of \$70,000 of stock, and whose accommodations in bank will not amount to \$6,000.

INTERROGATORY 8th.

Answer. I cannot tell the liabilities of the directors at the time of our report in 1838, without very great trouble and time, but believe their liabilities were something more than the amount given in my answer to interrogatory second.

INTERROGATORY 9th.

Answer. Our suspended debt is now

On bills of exchange	-	-	-	\$21,121
On notes	-	-	-	14,548

Of the amount on notes 2,150 is due from stock-holders, a considerable proportion of the suspended debt is caused by want of attention to notes and bills, and are mostly arranged without much delay, and it is believed that but a small amount is likely to be lost.

INTERROGATORY 10th.

Answer. Twenty five stock-holders owning \$72,450 of stock are borrowers to the amount of their stock and over.

INTERROGATORY 11th.

Answer. There is no such case on our books, no borrowers whose accommodation remains stationary, stock-holders' accounts like all others are reduced by regular calls or increased as their business seems to justify.

INTERROGATORY 12th.

Answer. The amount loaned out of the State on notes is \$13,055, the whole amount except about \$1,000 is loaned in the town, on the opposite side of the river, the business of which, is immediately connected with this town.

The whole amount of bills of exchange purchased is \$162,794,28.
As stated in answer to interrogatory 1st, of the above sum 18,721,28,

are bills accepted or drawn on different places in this state, and \$144,073, are bills accepted or drawn on various places out of the state and principally drawn against the shipment of produce, and the class of persons of whom the bills are purchased, I would give as follows:

Those engaged in the trade of the produce of the country	\$127,253.
Manufacturers, Mechanics &c.	19,219.
Merchants	16,322.

INTERROGATORY 13th.

Answer. I find on the 27th May, 1837, just after the suspension, our specie was \$94,517 54. On the 4th of August 1838, our specie was \$123,728 47; and at this time our specie account is as follows:

In the Vault	\$75,891 41
Deposit in the New Albany Branch	6,000
Loaned Fund Commissioners to be returned in April	15,000.

I suppose it unnecessary to go further back than 27th May 1737, as previous to that time, we received the Government deposits, and was frequently receiving and paying large amounts in specie.

INTERROGATORY 14th.

Answer. On the 20th May 1837, the board of directors, on the recommendation of the State Board, passed an order to suspend specie payments, which was carried into execution and continued until the resumption in 1838. After the suspension in October last, our board made no order of suspension, but instructed the officers of the branch to continue to pay small sums that might be called for to be used as change in the common transactions of business, but if demands were made for considerable sums to be exported or sold, to refuse payment, which has been the course pursued; there has been a few cases when payments has been refused, and I think none when speculation was not the object.

INTERROGATORY 15th.

Answer. We always have received and paid out considerable amounts of Bank Notes, other than those of this state, and do it daily. We pay out all we receive except it becomes necessary sometimes to make remittances to Louisville and Cincinnati, to pay bank balances against us created by collections.

INTERROGATORY 16th.

Answer. During the suspension of 1837—8, we received, at the counter, bank notes of 1, 2, 3, and 4 dollars, and paid them out in the course of business, after the resumption in 1838 we ceased paying out small notes but received those of Cincinnati and Kentucky, and re-

turned them at convenient times in making remittances. Since the suspension in Oct. last, we have again received, at the counter, and paid out when called for, in the course of business, the small bank notes of Ohio, Kentucky and Illinois, I cannot say to what amount, but our daily receipts and payments are considerable.

INTERROGATORY 17th.

Answer. The Fund Commissioners of Indiana, now owe this branch for advances made to contractors on the public works and others, under contract with them, the sum of \$46,407 39, and they also owe \$15,000 for a special loan of specie to pay interest, in New York, made on the 19th day of November last, on the recommendation of the State Board which by contract is to be repaid in specie in April next.

I should have stated also, that the branch owns \$38,000 of the State 6 per cent. bonds, as a guarantee for that amount of stock owned by the State, and which is in fact a debt due from the State to the Bank.

INTERROGATORY 18th.

Answer. I cannot tell the amount of liabilities of the branch directors appointed by the State board at the time of their appointment, but it did not vary much from what it now is, I think perhaps a little more. Their liabilities now stand as follows, viz:

As drawers	\$5,050
as endorsers	3,350

INTERROGATORY 19th.

Answer. I know of no proposition or insinuation made by any officer of the branch to any member of the Legislature or any one else, that the bank would loan the State money on condition she was authorized to issue small bills, except I have been informed, that since the commencement of the present session of the Legislature, there has been some correspondence between Geo. Robinson Esq. and Mr. Lanier, and a letter of my own to Samuel Judah Esq.; in both of which something was said about small bills, and I would respectfully refer the committee to those letters.

The foregoing answers have been prepared at considerable trouble and with care; and I believe them to be substantially correct.

JOHN SERING, Cashier.

January 3, 1840.

OFFICE STATE BANK, IND. }
 Madison, 4th Jan. 1840. }

Hon. W. A. Bowles, Chairman of the standing committee of the House of Representatives.

SIR—My answer to the interrogatories of the committee, contained in the foregoing pages, have been delayed something longer than I intended, on account of the daily duties I have to perform in the course of business, and the examination that was necessary from the nature of the inquiries. If any farther information may be necessary for the committee, I will, with pleasure, give it so far as is consistent with the office I hold.

Yours, respectfully,
 JOHN SERING, Cashier.

The Chairman also laid before the committee, the following answers of William M'Lane President, and D. R. Dunihue, Cashier of the Bedford Branch, in the words and figures following, to wit:

BRANCH AT BEDFORD, }
Of the State Bank of Indiana. }
 Jan. 7th, 1840. }

Honorable W. Bowles,
 Chairman of the com. on the State Bank, &c.

SIR—The interrogatories propounded to this institution, as set forth in the proceedings of the committee, under date of the 16th ult., were presented a few days ago, and we herewith return replies compiled from our books with as much accuracy as the hurry of business with us would permit.

INTERROGATORY 1st.

The number of debtors as drawers of notes and bills, was about three hundred.

INTERROGATORY 2d.

As drawers, about \$38,200; as endorsers \$24,063.

INTERROGATORY 3d.

As drawers, about \$25,167; as endorsers \$54,565. A considerable portion of this amount is the same charged to directors as drawers or endorsers—the other stock-holders being endorsers for directors, and

directors for them. Our directors are generally the largest stock-holders; and several of them are engaged in buying and shipping produce.

INTERROGATORY 4th.

About \$47,600 to those in town; and \$27,700 to others in the county.

INTERROGATORY 5th.

About one hundred producers; about fifty manufacturers; and about ninety merchants.

The producers owe about	-	\$34,500;
The manufacturers “	-	57,500;
The merchants—on notes, about	-	59,000,
“ on bills “	-	71,000.

A large amount of the loans to merchants is to enable them to purchase and ship produce—the *produce dealers* being generally placed in this class.

INTERROGATORY 6th.

Those owning stock to the amount of

\$500 and under	twenty five,
over “ and under \$1,000	twenty,
over 1,000 and “ 5,000	twenty six,
over 5,000 and “ 10,000	one,
over 10,000	one.

INTERROGATORY 7th.

The number of stock-holders indebted to bank is forty;—and the aggregate amount of their indebtedness, is about \$63,000

INTERROGATORY 8th.

As drawers about	-	\$32,700, and
as endorsers about	-	41,200.

INTERROGATORY 9th.

Amount of suspended debts \$31,321 56,—and no part of it due from stockholders.

INTERROGATORY 10th.

There are three hundred and fifty four shares.

INTERROGATORY 11th.

Not a share.

INTERROGATORY 12th.

About \$31,700.

INTERROGATORY 13th.

The greatest amount of specie since the stock was all paid up in our vaults was, August 24, 1839,—being \$100,590 96; and the lowest amount, December 14, 1839, being \$63,677 88.

INTERROGATORY 14th.

We refused to pay specie for our notes during the general suspension of 1837. We also passed a resolution suspending specie payments in October last; and in a few instances refused specie for our notes since that time.

INTERROGATORY 15th.

We have.

INTERROGATORY 16th.

Within the last year we have received and paid out from thirty to fifty dollars in the notes of the banks of other states less than five dollars,—but our practice has been to refuse them when we could get those of a higher denomination.

INTERROGATORY 17th.

At the urgent request of the Fund Commissioners we advanced to the board of public works, twenty thousand dollars last summer to pay contractors on the public works; which is charged to the branch at New Albany, by desire of the President of that institution. We also loaned the Fund Commissioners ten thousand dollars in gold to aid them in paying the interest on Indiana State bonds.

INTERROGATORY 18th.

Their liabilities as drawers, was \$3,275; and as endorsers \$4,980.

INTERROGATORY 19th.

There has been no proposition or insinuation of the kind made by any officer or director of this bank, so far as we know.

The delay in furnishing these replies has been occasioned by the press of business making up our books at the close of the year, our reports to the branches, &c.

Very respectfully,

WM. M'LANE, Pres't.

D. R. DUNIHUE, Cashier.

The chairman also laid before the committee the answers of John Douglass, Esq. cashier of the Evansville branch, to the general interrogatories of the committee, a copy of which is as follows:

EVANSVILLE BRANCH BANK, Jan. 6th, 1840.

Replies from this Branch of the State Bank of Indiana to the Interrogatories put by the Standing Committee on the said State Bank, appointed on the part of the House of Representatives of said State, reported by Mr. Fisher, Dec. 16th, 1839.

1st. The number of the debtors of this branch, as drawers of notes, bills, &c. at the date of the last report to the Legislature, was two hundred and eighty. (280.)

2d. The liabilities of the directors of this branch then were,

As payors,	\$51,353	
As endorsers,	27,965	\$79,318

3d. The liabilities of the other stockholders were,

As payors,	\$48,200	
As endorsers,	62,106	\$110,306

4th. The amount of loans in Evansville, and in the county of Vandenburg, is as follows:

In Evansville,	\$136,843
In the county,	19,670
Being together,	<u>\$156,513</u>

5th. The number of borrowers who are producers, manufacturers, and merchants, and the amount on loan to each class, are as follows:

150 producers,	\$41,547	
41 manufacturers,	41,294	
65 merchants,	111,969	\$194,810

6th. The number of persons holding stock of the required amounts, is as follows:

24	persons hold \$500 and under,
18	“ over \$500 and under \$1000.
25	“ over \$1000 and under \$5000,
2	“ over \$5000 and under \$10,000.
	None over \$10,000.

7th. There are thirty-seven stockholders of this branch who are borrowers, and this is the aggregate amount of their indebtedness to wit: \$99,553.

8th. The liabilities of the directors at the time of the report of 1838 were as follows:

As payors,	\$50,713	
As endorsers,	42,039	\$92,752

9th. There was nothing stood at the suspended debt account, when the last report was made out.

10th. The amount of stock is 39,150, which is owned by persons indebted to the Evansville branch, to the amount of their stock, or beyond it.

11th. The original stock of the Evansville bank was subscribed for several months before the bank was opened, and since then there has been no new stock subscribed by individuals, with the exception of a few shares paid for by the excess of the surplus fund:

12th. The amount of the means of the bank loaned out of the State in discounts, is \$226,000.

There are also bills of exchange drawn upon

Louisville, to the amount of	\$2,887 00, and
Upon Cincinnati,	5,400 00

Making in all \$10,547—but the loans made on the bills of exchange were made to persons living in Evansville, so that the first item is really all the means of this branch that were loaned out of the State.

13th. The lowest and highest amounts of specie in the vault were as follows:

Upon the 24th March, 1835,	\$38,989 76
Upon the 24th February, 1837,	106,950 57

14th. Upon the 22d of May, 1837, and upon the 4th day of November, 1839, the board of directors of this branch passed resolutions authorizing the cashier to suspend specie payments. The particular times at which we have failed to redeem our notes, are not now recollected.

15. We have received and paid out the paper of the bank of the United States, and of the banks in Cincinnati, Kentucky, and Illinois.

16th. We have never received nor paid out notes of a denomination less than five dollars, nor have we contributed in any manner to the circulation of any of that description of notes.

17th. This interrogatory is wanting in the copy transmitted to this branch, and the omission was pointed out to Joseph Lane, Esq. senator from this district.

18th. The liabilities of the directors on the part of the State, upon the date of the last report of the Legislature. (and they were not materially different at the time of their appointment were as follows, (without mentioning names:)

As payors,	\$4,335
As endorsers,	7,178

19th. The subscriber does not know that any proposition or insinuation of the kind intimated, has been made by any one.

(Signed)

JOHN DOUGLASS, Cashier.

On motion,

Ordered. That the committee adjourn until to-morrow evening at six o'clock.

13th MEETING.

TUESDAY EVENING, January 14, 1840.

The committee met pursuant to adjournment.—Present, Mr. Bowles, chairman; Messrs. Fisher, White, Wheeler, Robinson, Stewart, and McGaughey.

On motion of Mr. White,

Ordered. That the committee proceed to inquire into the charge preferred by Mr. Chamberlain against the South Bend branch.

I. A. Liston being in attendance as a witness, was duly sworn and examined as follows, the charge having been read to him:

Question 1st. What do you know relative to the overdraft of \$1000, or any other sum permitted by the teller of the South Bend branch as stated in said charge?

Answer. All I know is what I have heard from others, and from the parties charged, I first learned that there was something wrong about it, from the cashier, Mr. Chapin. I afterwards conversed with Alexis Coquillard, one of the parties charged—had several conversations with him about it, do not recollect how many—a: first he denied the charge; and the only admission that he ever made to me, as I recollect, was in substance, that if it was the fact as charged upon him, it could no more than remove him from connection with the bank, as a bank officer. I never had but one conversation with Mr. Grant, the teller, about it, that I now recollect, and that happened incidentally. I was one day in the bank during banking hours, after the new board of directors were organized, and from some circumstances relative to

the conduct of Alexis Coquillard, I observed to Mr. Grant that I was very sorry he had let Mr. Coquillard have this money out of the bank, or words to that effect—that I had no doubt he had been imposed upon by Coquillard. Mr. Grant's reply to me was in substance, that he was sorry for it himself—that he should not care so much about it, if it was not connected with politics.

The witness says, that the foregoing is the substance of several conversations, as far as he can now recollect.

“Previous to the foregoing conversations, I had a conversation with Mr. Chapin, the cashier of the bank, and from him I learned that during his absence from the bank, and after banking hours, that Mr. Grant, the teller, had let Mr. Alexis Coquillard, one of the directors, have a certain amount of money, not now recollected. I understood from him that the money was obtained contrary to banking rules, and which money did not belong to Coquillard. I was a director at the time Mr. Chapin told me this, and I am not certain but that the interview that took place between Mr. Chapin and myself originated about banking business, or something connected with the bank.

After the last congressional election was over, and before the result was known at South Bend, Joseph Andre, jr. and George Parkinson, (both citizens of that place,) agreed to make a bet on the result of the election between Evans and Howard. Parkinson told Andre that he would cover all the money that he (Andre) could raise by four o'clock the next day, and that they would go over to Michigan to stake the money, and they then put one hundred dollars forfeit money into the hands of ——— Kochier, as forfeit money, in case either party backed out of the bet. After the forfeit money was put up, Andre went to Coquillard, and told him if he, Coquillard, would raise money enough so as to back Parkinson off from the bet, that he, Andre, would give Coquillard the one half of the forfeit money. Coquillard accepted the terms, and raised some twelve or fifteen thousand dollars, and went over to Michigan. Parkinson having learned the management between Coquillard and Andre, did not go to Michigan, and Kochler gave Andre the forfeit money, and Andre gave fifty dollars of it to Coquillard. The foregoing is the purpose for which Coquillard got the money unlawfully out of the bank. I would not be willing to swear to the foregoing statement, although I believe it to be literally true. The report is current about South Bend, and is generally believed, by those who know any thing of the circumstances; and I believe that there are persons at South Bend by whom it can be proven.

H. Chapin, Esq. cashier of the South Bend branch, was sworn and examined as follows:

Question 1st. Do you know any thing relative to the charge made by Mr. Chamberlain against Mr. Grant, teller, and Mr. Coquillard, a director in your bank, relative to the taking of money out of your bank for the purpose of betting.

Answer. The following is the substance of what I know about the

matter, and this is not stated of my own positive knowledge any further than I mention.

On the day when some report seemed to have arisen in relation to money having been procured from the bank for betting, I remained in the bank until two o'clock. I am satisfied that no money was improperly drawn during banking hours. I do not believe a dollar in specie was afterwards taken out of bank; but the teller stated to me that he had paid out some money on a check, which I suppose might have amounted to one or two thousand dollars, and possibly to three thousand dollars; but I think it could not be more than that sum, which was doubtless all in bank paper. The custom of paying money in checks after banking hours, has, to some extent, been prevalent by way of accommodation, but for any purposes, either betting or any thing else, an over draft would never have been knowingly permitted, either by myself or our board of directors. Although I have no personal knowledge, I have reason to believe that the teller, upon his own responsibility, did pay out such bank paper without the person drawing the same being entitled to draw that amount, which must have been returned the same day. For this act, whatever it is, the teller and the drawer are only responsible.

A. CHAPIN.

Question 2d. Is Mr. Grant now an officer in your bank?

Answer. He is.

Question 3d. Is Mr. Coquillard a director of your bank now?

Answer. He is.

Question 4th. Was Mr. Coquillard a director at the time of the over draft, and is he yet?

Answer. He has always been a director since the organization of the branch.

Mr. H. Chapin cashier of the South Bend Branch handed in the following answers to the general interrogatories of the committee and was sworn thereto.

BRANCH BANK SOUTH BEND, }
November 16th, 1839. }

Number of debtors, 225.

Liabilities of directors as payors	\$49,337,	As endorsers	\$41,247
Liabilities of stockholders as payors	90,807	As endorsers	62,367
Liabilities of persons living in town	55,723		
Liabilities of persons living in county	86,354		
Liabilities of manufacturers	30,034	in all 50	borrowers.
Liabilities of producers	42,893	in all 78	"
Liabilities of merchants	43,984	in all 33	"

There are 154 owners of stock amounting to \$500 and under.

6 " " over \$500 and under \$1000.

3 " " over 1000 " " 5000.

69 stockholders that are borrowers and the following are the amounts loaned to each, viz:

\$2150	\$4150	\$400	\$1050	\$680	\$500	\$140	\$2900	\$6970	\$500	\$2100
140	800	500	150	350	975	1653	1510	280	970	1380
700	350	400	10450	1767	920	420	4100	175	140	1500
700	350	560	2970	350	450	450	175	140	2200	800
600	485	2100	100	800	720	300	400	2800	2800	202
891	532	700	2900	79	1410	720	200	3726	420	450
930	790	1800								
Suspended debt,	-	-	-	-	-	-	-	-	-	\$4,320
Suspended debt due from stockholders, about	-	-	-	-	-	-	-	-	-	3000
Amount loaned out of State, about	-	-	-	-	-	-	-	-	-	33,000
The largest amount of specie on hand on 30 Nov. 1839,										85,974
The smallest amount of specie on hand on 31 Dec. 1839,										70,733

We have paid out other State Bank paper.

Have paid out small bills. Amount not known.

Have loaned to the State (Fund Commissioners) to pay interest on State bonds \$10,000.

The liabilities of the directors appointed by the directors on the part of the State of the State Bank as payors 4,435 dollars, as endorsers 14,072 dollars, when they were appointed. No business was transacted within one month after the subscription of stock, the charter requiring sixty days notice between the subscription and payment of its stock.

No loans had been made at the time of our report of 1838.

We have always redeemed our notes with specie when demanded; and the Board of Directors have never resolved to suspend specie payments.

I am not knowing to any proposition or insinuation of any officer or director of this bank being made to any member of the present Legislature, that this bank would loan the State any sum of money upon condition of being authorized to issue any amount of notes under the denomination of five dollars, although our Board, as well as the community generally, (I must say, almost universally so far as I have heard an expression of opinion,) are favorable to the issue of small bills by our banks.

H. CHAPIN, Cashier.

The foregoing are not given as absolutely correct but an approximation to the truth; and the liabilities as endorsers of some persons mentioned are very probably incorrect.

H. CHAPIN, Cashier.

On motion,

Ordered, That Mr. Major be discharged from further attendance as a witness on his promise to send to the committee his answers to the general interrogatories of the committee as soon as possible, which he says he will endeavor to do by next Wednesday week.

Elijah Coffin, cashier of Richmond branch, examined.

INTERROGATORY NO. 1.

Answer. The number of notes and bills on the 31st October last was about 560. I apprehend the number of debtors will not vary materially from that number.

INTERROGATORY NO. 2.

Answer. Our directors have had \$23,941 95 for their own accommodation and as partners, and are endorsers for about the same amount.

INTERROGATORY NO. 3.

Answer. Can't tell, (see No. 7.)

INTERROGATORY NO. 4.

Answer. \$88,615 living in town, about \$130,090 living in county.

INTERROGATORY NO. 5.

Answer. To merchants about \$75,000; to produce dealers most of whom are farmers \$100,000; to mechanics and manufacturers about \$75,000; to farmers in addition about \$60,000.

INTERROGATORY NO. 6.

Answer. 90 under \$500; 24 over \$500 and under \$1000; 21 over 1000 and under \$5000; 2 over \$5000 and under \$10,000; 1 over \$10,000.

INTERROGATORY NO. 7.

Answer. Can't tell, not having had sufficient time and opportunity for the necessary examinations.

INTERROGATORY NO. 8.

Answer. Can't tell, for the same reason.

INTERROGATORY NO. 9.

Answer. \$16,454 62, none of which is due from stockholders.

INTERROGATORY NO. 10.

Answer. Can't tell, (see ans. 7.)

INTERROGATORY NO. 11.

Answer. Can't tell, (see same.)

INTERROGATORY NO. 12.

Answer. Not exceeding 5 or \$6000.

INTERROGATORY NO. 13.

Answer. The highest on the 17th August 1839, \$140,476 63; the lowest on November 30, 1839, \$83,291 87.

INTERROGATORY NO. 14.

Answer. We have several times declined to redeem in specie, we have a resolution to decline large amounts, dated 16th October, 1839.

INTERROGATORY NO. 15.

Answer. Yes.

INTERROGATORY NO. 16.

Answer. No.

INTERROGATORY NO. 17.

Answer. None. We assisted the fund commissioners in the case of the most extreme necessity in which we were informed that if we did not, the credit of the State would be gone forever in the payment of the interest due 1st January, by advancing \$17,500 in specie and specie funds. They had before that about \$14,000, part of an advance on the public works. We have \$39,000 of State bonds.

INTERROGATORY 18.

Answer. As payors including partners, \$9,651 42; as endorsers also including partners, \$10,669 50.

INTERROGATORY 19.

Answer. I do not.

ELIJAH COFFIN,

Affirmed and subscribed to, as the best of his knowledge and belief,
January 14, 1840.

On motion,

Ordered, That the committee adjourn until to-morrow evening at 6 o'clock.

14TH MEETING OF THE COMMITTEE.

The committee met at 6 o'clock pursuant to adjournment.

The chairman laid before the committee the following answers in behalf of the branch bank at Vincennes, to the general interrogatories of the committee.

BRANCH BANK,
Vincennes, January 9, 1840. }

W. A. Bowles, Esq., chairman.

Dear Sir: The annexed answers and statements are made up as fully and accurately as time and circumstances would permit. It would have afforded me much pleasure to have been able to furnish full and strictly accurate replies to all the questions put by the committee. Those given are all substantially correct, so far as they go—most of them strictly so; and I shall feel gratified if they prove satisfactory to the committee, so far as the facts and information are embraced, which they wish to arrive at. I am quite sure that nothing has transpired in the management of business operations of this institution which we would feel disposed to withhold from the committee; and should specific charges be made against it, they will be readily and cheerfully replied to when ascertained.

Very respectfully,

JOHN ROSS, Cashier.

BRANCH BANK,
Vincennes, January 8, 1840. }

The following answers are made by the undersigned to certain interrogatories put to the officers of this branch, bearing date 16th ult., by the committee on the state of the bank in the House of Representatives,

INTERROGATORY 1.

The number of our debtors at date of our report of 16th November last was about five hundred and forty.

INTERROGATORY 2.

Liabilities of the directors as drawers same time,	\$32,800
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INTERROGATORY 3.

Liabilities of other stockholders as drawers,	- -	\$64,500
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INTERROGATORY 4.

Loans to citizens in Vincennes, about	- - -	\$105
Loans to citizens of Knox county,	- - -	25

INTERROGATORY 5.

From the limited knowledge I am in possession of, as to the pursuits of borrowers from the branch, it would be impossible to answer this inquiry with any degree of correctness. The merchants are no doubt the largest borrowers. The amount loaned to others is perhaps nearly equally distributed amongst the traders, farmers and manufacturers.

INTERROGATORY 6.

There are ninety-nine stockholders in this branch, viz:

67	holding stock to amount of \$500 and under.
18	" " over \$500 and not exceeding \$1000.
12	" " " 1000 " 5000.
1	" " " 5000 " 10,000.
1	" " " 10,000 " 11,000.

INTERROGATORY 7.

Forty-eight stockholders are borrowers. The gross amount of their indebtedness is about ninety thousand dollars—being something less than amount of the same in November last, as stated in answers to interrogatories 2 and 3.

INTERROGATORY 8.

For want of time to make the necessary examination, I am compelled to leave this question unanswered, except so far as to state that the liabilities of our directors as drawers at the date of our report in

1838. exceeded their present liabilities as here given, from twelve to fifteen thousand dollars.

INTERROGATORY 9.

Our suspended debt on 16th November last, amounted to \$7,150; no part of which was due from stockholders.

INTERROGATORY 10th.

Four hundred and fifteen shares of stock are owned by persons indebted to amount of their stock or beyond it.

INTERROGATORY 11th.

None of the stockholders above were indebted to the bank from or within a month after they subscribed.

INTERROGATORY 12th.

The loans out of the State amount to about \$50,000 on notes and bills, say half on each.

INTERROGATORY 13th.

Lowest amount of specie on hand 6th April, 1835, say	\$60,302 90
Highest amount of specie on hand 27th Feb. 1837,	118,583 93

INTERROGATORY 14th.

Our Board of Directors passed a resolution on 22d May, 1837, suspending specie payments; such payments were accordingly suspended until 13th August 1838, when they were resumed. Since which time no resolution has been adopted by our Board of Directors on the subject of suspension.

On the intelligence reaching here in October last, of the suspension of the eastern banks, we may have refused in one or two instances to redeem our notes in specie. Our Board at a meeting a few days after determined not to suspend, and we have in all cases since redeemed our notes and other obligations in specie, when demanded.

INTERROGATORY 15th.

We have been in the habit of renewing and paying out paper of banks without this State.

INTERROGATORY 16th.

We have never received in bank, or paid out notes of a less denomination than five dollars—nor have we in any manner contributed to their circulation since the establishment of the bank.

INTERROGATORY 17th.

There are due this branch for payments made to contractors on the New Albany and Vincennes road.

J. A. Graham acting commissioner, - - - \$15,468 27

For payments made to same through the New Albany branch, and charged that branch per arrangement, 20,000

Loaned to the fund commissioners in specie, in November last, to pay interest on State bonds in N. York, 15,000

The first amounts were advanced according to a general arrangement made by the fund commissioners with the branches, to pay contractors on the public works. The latter amount was loaned to the State upon the application of the fund commissioners, seconded by a communication addressed by the Governor and Secretary of State, to the State Bank.

INTERROGATORY 18th.

Liabilities of directors appointed by the State Board in August last, as payors \$2,400*

INTERROGATORY 19th.

I am certain that no intimation has ever been given by any officer or director of this branch to any person whomsoever, that this branch would lend the State money if allowed to issue bills of less than five dollars.

JOHN ROSS, Cashier.

Branch Bank, Vincennes, January 8, 1840.

At a meeting of the H. of Representatives standing committee, on the State Bank, on Wednesday July 15, at 2 o'clock P. M. pursuant to notice of the Chairman.

Present, Mr. Bowles Chairman, Messrs. Fisher, M'Gaughey, Stewart, Robinson and White.

A further examination of H. Chapin Esq. Cashier of the South Bend Branch.

*This sum was due by one of the directors, the other two owed nothing then (or now) the bank.

Question 1, 4. You will please to state what you know about the money being advanced to Mr. Coquillard for the purpose of enabling him or any one else to bet a certain sum on an election?

Answer. Mr. Grant said to me, in a conversation on the subject, that the money was not to be bet.

Questions 2, 5. Did he tell you how it was to be disposed of?

Answer. I understood that two persons had made a bet of \$100 on the election previous to last August, and what more than that one party put down in addition, the other was to cover or forfeit the \$100. That Mr. Coquillard obtained the money from the bank for his friend, one of the bettors, to enable him to obtain a forfeiture of the \$100: And that if Mr. Coquillard ascertained that there was more money put up by the adverse party, than his friend could obtain, he (Mr. Coquillard) was not to use the money he had obtained, but return it, and I understood this money was not used.

Question 3. How many borrowers at your bank to the amount of \$10,000 and over?

Answer. I think 3. There may be 4, and perhaps not but 2. I am not certain.

Question 4. What is the capital of your bank paid in?

Answer. About 96 or \$97,000.

Question 5. How much of that is owned by individual stockholders.

Answer. I think about \$32,000 paid in, and the majority have mortgaged property to secure the payment of the balance of their stock.

Question 6. How much more capital can you employ with advantage to the community, and safety to your bank, than you now do?

Answer. I think twice as much.

Question 7. What sort of property do your borrowers possess, upon which you rely for security for your loans—real or personal?

Answer. Principally real property.

Question 8. What proportion of bills of exchange that you purchase may be called nominal, that is, not expected to be paid at the places on which they are drawn, at the time of the negotiation? or not negotiated on business principles?

Answer. We buy none of the former class; as to the latter clause of the question, I am not now able to answer to my satisfaction. It is the general intention of our bank not to buy any bills except upon known business principles.

Question 9. What are the political principles as to the present state of politics, of the State directors of your Bank?

Answer. There are two whigs and one sub-treasurer democrat.

H. McCulloch Esq. Cashier of the Fort Wayne branch bank produced answers to the general interrogatories of the committee, as follows:

BRANCH BANK, FORT WAYNE, }
January 8th, 1840. }

Answers to certain interrogatories, proposed to the officers of the branch at Fort Wayne of the State Bank of Indiana, or one of them, by the committee on the said Bank, on the part of the House of Representatives of said State under date of the 16th ultimo.

Answer to 1st interrogatory.

As nearly as the same can now be ascertained, the number of the debtors of this branch, at the time mentioned, was four hundred and twenty three.

Answer to the 2d interrogatory.

The liabilities of the debtors of this branch, as drawers, were fifty-six thousand six hundred and nineteen dollars, fifty cents, as endorsers, eighty-threethousand four hundred nineteen dollars and twenty-seven cents. The undersigned, would, however state, that the liabilities of the directors as endorsers, have been materially diminished since the time referred to in the interrogatory.

Answer to the 3d interrogatory.

The liabilities of the other stockholders as drawers, (at the time referred) were eighty-five thousand nine hundred sixty one dollars; as endorsers, one hundred thousand two hundred and eleven dollars. The undersigned does not undertake to say, that the answers to the 2d and 3d interrogatories above given are precisely accurate:—they are, however, believed to be substantially correct.

Answer to the 4th interrogatory.

The total amount of discounts on the 31st ultimo, was three hundred fourteen thousand, two hundred seventy eight dollars and five cents. Of this amount, say one hundred and fifty thousand, were to persons living in the town of Fort Wayne, and say seventy-eight thousand dollars to persons living within the county of Allen and without the town. In the amount of discounts to persons living in town, are included a considerable amount of bills drawn by persons in town, upon persons in New York. The under-signed would however state, that in his opinion, the directors of this branch bank, in making discounts, would generally prefer the paper of individuals living without the county to that of those living within it, provided it were known to be good. It is but rare that paper offered by individuals living within this bank district and without the county, is rejected at this branch, when the parties to such paper are known to be prompt and responsible.

Answer to 5th Interrogatory.

The borrowers at this branch may be classed about as follows:

Farmers—Two hundred twenty nine.

Manufacturers and Mechanics—sixty nine.

Merchants—sixty five—The other borrowers, are persons whose occupation is either unknown, or who cannot properly be ranked among either of the three above named classes.

To Farmers there is on loan, about one hundred and two thousand dollars.—To Mechanics and Manufacturers, about seventy eight thousand five hundred dollars.—To Merchants, about one hundred six thousand nine hundred dollars.

Answer to 6th interrogatory.

47 stockholders in this branch, hold stock to the amount of five hundred dollars and under. Five stockholders over five hundred and under one thousand. Eleven over one thousand and under five thousand. Four over five thousand and under ten thousand, and none over ten thousand.

Answer to the 7th interrogatory.

Fifty borrowers at this branch are stockholders, and the following is substantially the indebtedness of each.

1	-	-	634	26	-	-	5,978
2	-	-	645	27	-	-	7,537
3	-	-	4,342	29	-	-	5,000
4	-	-	1,289	30	-	-	2,778
5	-	-	1,936	31	-	-	237
6	-	-	2,202	32	-	-	4,330
7	-	-	2,193	33	-	-	1,000
8	-	-	9,333	34	-	-	6,599
9	-	-	696	35	-	-	708
10	-	-	1,185	36	-	-	1,071
11	-	-	3,112	37	-	-	7,712
12	-	-	629	38	-	-	7,441
13	-	-	1,750	39	-	-	4,113
14	-	-	3,346	40	-	-	732
15	-	-	300	41	-	-	4,224
16	-	-	48	42	-	-	3,080
17	-	-	508	43	-	-	3,198
18	-	-	472	44	-	-	1,502
19	-	-	3,255	45	-	-	817
20	-	-	3,255	46	-	-	3,353
21	-	-	3,590	47	-	-	307

22	-	-	142	48	-	4,296
23	-	-	1,534	49	-	631
24	-	-	2,160	50	-	2,345
25	-	-	3,323			

Answer to the 8th interrogatory.

The liabilities of the directors at the time mentioned were about as follows:

As drawers—forty five thousand one hundred dollars; as endorsers, seventy thousand five hundred twenty-one dollars.

Answer to the 9th interrogatory.

Eighteen thousand nine hundred fifty-nine dollars and ninety eight cents. About one fourth of which was due from stockholders. It may be well however to state that the greater part of this one fourth was due from the estates of John Tipton and John B. Boure dec'd stockholders, which estates have not been settled.

Answer to the 10th interrogatory.

Stockholders of eight hundred seventy four shares, owe the branch an amount equal to, or greater than their stock.

Answer to the 11th interrogatory.

None.

Answer to the 12th interrogatory.

Less than three thousand five hundred dollars. The undersigned would however state, that drafts drawn upon the American Fur Company of New York, and by firms in this state upon a House in New York, amounting, in all to say, seventy thousand dollars—have lately been discounted at this branch.

Answer to the 13th interrogatory.

The highest amount of specie in our vault during the past year, was on the 31st of October last, where it amounted to one hundred thirty four thousand five hundred eighty five dollars and thirty one cents—the lowest amount in vault was on the 14th ultimo, when it amounted to ninety five thousand four hundred fifty five dollars and ninety five cents.

Answer to the 14th interrogatory.

Since the general resumption of specie payments in 1837, this branch has in no case failed to redeem its notes in specie. Nor has our board resolved on a suspension. As however I have no concealment to make, I would say, that if an agent of a foreign bank that had suspended specie payments, had within the last three months presented a large amount of our notes for redemption—it is very doubtful whether I should have considered myself justifiable in paying him in any thing better than the notes of the bank by which he was sent.

Answer to the 15th interrogatory.

We have.

Answer to the 16th interrogatory.

We have both received and paid out the notes below fives of other banks. The amount has however been trifling. Such notes form a part of our permanent circulation, and it is difficult, if not impossible to get along without, in some instances, taking them. We have however always endeavored to discourage their circulation. The amount taken and paid out by us during the last year, it is now impossible to ascertain.

Answer to the 17th interrogatory.

This branch advanced to the Fund Commissioners for the State, to aid in the payment of interest due the 1st instant, twenty-five thousand dollars. Our authority to do so, we derived from the charter and the State Board.

Answer to the 18th interrogatory.

The liabilities of the directors referred to at the time of their appointment were, as drawers, seventeen thousand two hundred fifty nine, as endorsers, forty six thousand two hundred and twenty three. Their liabilities, however, as endorsers are now much less than they were at the time of their appointment.

Answer to the 19th interrogatory.

I do not know that any communication or proposition has been made by any officer or director of this branch, to any member of the present Legislature upon the subject referred to in the interrogatory.

In conclusion, the undersigned would observe that the foregoing answers were prepared by himself and the teller of the branch in great haste, and that they may be in many instances inaccurate. They

are made, however, in good faith and are believed to be correct.
H. McCULLOCH, Cash'r.

Questions put to Mr. M Culloch.

Question 1. How many borrowers at your bank over \$10,000?

Answer. There are none over that sum—I think with one exception.

Question 2. What premium do you charge for bills on New York?

Answer. We are not selling to any extent, I did however lately remit the amount of some small collections to New York on sight checks, at 5 per cent., and on checks payable 15th of April, at 3 per cent.

Question 3. How many of your debtors owe the bank over five and under ten thousand dollars.

Answer. There are none indebted to the amount of five thousand dollars, except stockholders, according to the best of my recollection whose liabilities are given.

Question 4. What are the party politics of your State Directors?

Answer. Two democrats and one whig.

Question 5. What proportion of all your discounts on notes is on accommodation paper subject to renewal.

Answer. The greater part.

Question 6. What kind of property of your borrowers do you rely upon for the security of your loans? real or personal?

Answer. Mostly real property.

Question 7. How much could the capital of your branch be increased with safety, and advantage to the public.

Answer. I do not think it could be increased any, with advantage to the community.

Question 8th. What is the principal circulation of other bank paper, in your neighborhood.

Answer. Ohio and Indiana.

Question 9th. Has the credit extended by your bank, been of advantage to your community?

Answer. I think it has been beneficial.

Question 10. Do you not think that the specie circular effected a salutary restraint upon the operations of your bank?

Answer. I do not think that the effect was particularly beneficial to our bank, but I think it had, in some instances, a salutary effect upon the community.

Question 11. Did your directors discount a note at any time for Mr. Chase of Logansport, with a knowledge that he wished the money to shave upon?

Answer. Since the bank went into operation there, there has been, I think, loaned to Mr. Chase of Logansport, in all \$2,000, and that in my opinion the directors did not know for what purpose the money was borrowed.

Question 12. What effect would be produced upon your bank by the circulation of a million or more of Treasury notes?

Answer. I think it would not materially injure the circulation of bank paper.

Question 13. Did your branch advance \$50,000, or any other sum for the purpose of assisting the South Bend branch to get into operation?

Answer. Our branch made no advance for the purpose of assisting said branch at South Bend to go into operation, according to the best of my recollection.

H. McCULLOCH.

A. B. Fontaine, Cashier of the branch at Terre Haute appeared before the committee, and made the following answers to the general interrogatories.

MR. FONTAINE, examined.

Question 1. How many persons are indebted to your bank over \$10,000.

Answer. One only, is indebted precisely \$10,000.

Question 2. How many are indebted over \$5,000 and under \$10,000.

Answer. Not over ten persons.

Question 3. What notes of other States do you receive and pay out.

Answer. Those of the State bank of Illinois, of Shawneetown, of Kentucky, of Cincinnati, and of the solvent banks of the Eastern Cities and all other eastern notes that are at par in the Eastern Cities.

Question 4. What notes are principally in circulation in your region?

Answer. Those of Indiana and Illinois.

Question 5. Have you purchased any bills of exchange on New Orleans since the suspension of last fall, and to what amount?

Answer. All the bills that we have purchased on New Orleans, have been done since our last report to the Legislature, and amount to about \$30,000.

Question 6. At what time and rate.

Answer. Various, from 60 days to 6 months. The rates for all bills maturing in March at 2 per cent. discount, and a half for each month after.

Question 7. What proportion of your discounts are accommodation paper?

Answer. In the spring and summer our loans are nearly all made to be paid by instalments. In the fall little or no accommodation paper is taken.

Question 8. Do you rely for security of payment from your borrowers chiefly on real or personal property?

Answer. Chiefly on real property.

Question 9. To what extent do you suppose the capital of your bank might be increased with safety and to the advantage of the community?

Answer. To the amount of \$200,000.

Question 10. Do you discount fictitious bills of Exchange?

Answer. Never, knowingly.

Question 11. What are the politics of your State directors?

Answer. All are whigs.

A. B. FONTAIN.

Sworn to and subscribed }
January 15, 1840. }

On motion,

Ordered, That the committee adjourn until the day after to-morrow evening at 6 o'clock.

At a meeting of the standing committee of the House of Representatives on the State Bank, January 17th, 1840.—Present, Messrs. Bowles, Fisher, Stewart, and Robinson.

Mr. Donihue, cashier of the Bedford branch, examined.

Question 1st. Has your branch been engaged in the purchase of promissory notes?

Answer. It has.

Question 2d. To what amount?

Answer. The amount on hand usually of purchased notes is from 15 to \$35,000.

Question 3d. At what time did you commence the practice of purchasing notes?

Answer. Ever since within a year of its organization.

Question 4th. At what rate have you been in the habit of purchasing?

Answer. No particular rate—not less than six per cent. generally—nine or ten per cent. may be the average rate, I suppose.

Question 5th. Have you not purchased some good notes at 30 per cent. discount?

Answer. We have an exchange committee, who regulate this matter. It depends upon circumstances how long the purchased note has to run. I think it probable, however, that notes have been purchased at that rate. We are governed to some extent in their purchase by their resemblance to bills of exchange, and have frequently purchased them upon that principle. It is seldom that promissory notes are made payable at bank, or at a counting house, and therein differ from bills.

Question 6th. In the purchase of promissory notes, has your bank realized more interest than is allowed by the charter?

Answer. I think not.

Question 7th. Has your profit in the purchase of bills, or notes, exceeded six per cent., or in any case amounted to 30 per cent.?

Answer. I think it may have gone over 30 per cent. per annum in some cases, and in other cases perhaps more.

Question 8th. Do you consider yourselves authorized by your charter to purchase promissory notes at any rate of discount?

Answer. We do.

Question 9th. Has your branch uniformly acted upon that construction of the charter?

Answer. Yes.

Question 10th. In purchasing promissory notes upon solvent and punctual men, do you discriminate, and upon what rule?

Answer. We do, upon the amount of the note, the time it has to run, and the prospect of receiving punctual payments, and the convenience and location of the payor, whether in or out of the county, at a less or greater distance from the bank.

Question 11th. Do you ever purchase notes on men that you do not consider punctual?

Answer. We have sometimes done it in cases of necessity.

Question 12th. While engaged in purchasing notes, do you ever refuse to discount?

Answer. When we buy notes, we discount generally. When we do not purchase, we generally do not discount—circumstances may lessen the ability of the bank to discount, and sometimes we find that we have a greater ability to discount than was expected. This depends upon the operations of the exchange committee, which are not at all times known to the board of directors, it meeting but once a week, and the committee acting any day during the recess.

Question 13th. What is the highest amount of notes ever purchased by your bank, of any one person?

Answer. I suppose from 35 to \$10,000.

Question. At what rates have those notes been purchased?

Answer. I suppose at a rate of about 15 per cent. This rate relates to notes purchased of the person above alluded to.

Question. What is your circulation?

Answer. About \$212,000. We loaned to the Madison branch \$20,000 at six and a half. Do not discount on it.

Question. How many borrowers have you on notes discounted, on bills of exchange, or notes bought over \$10,000?

Answer. About two persons, or firms.

Question. How many borrowers have you over 5000, and less than 10,000?

Answer. I believe but two.

Question. What proportion of your discounted notes are accommodation paper?

Answer. All our negotiable notes discounted are for accommodation.

Question. Do you always receive at par the same kind of paper that you pay out at par?

Answer. Yes.

Question. What do you rely upon chiefly as security for debts due your bank, real or personal property?

Answer. Personal property, exclusive of real property.

Question. How much do you suppose your capital could be enlarged, with safety to the bank and advantage to the community?

Answer. To the extent of \$200,000, including its present capital.

D. R. DUNIHUE

Sworn to and subscribed }
this 7th Jan. 1840. }

Mr. Rathbone of the Vincennes branch, made a report in favor of that branch, as follows:

Question. How many borrowers have you to the amount of \$10,000, and over.

Answer. One firm owes on notes about \$11,000, another firm in bills not yet matured, over 10,000—do not recollect that there are any others who owe to that amount.

Question. How many over \$5000 and under 10,000?

Answer. Cannot say with any certainty, but the number is very limited—probably not over six who owe to the amount of 5000 dollars, exclusive of those mentioned in the reply to the preceding question.

Question. What proportion of your notes discounted are what are called accommodation notes?

Answer. Say two-thirds—probably more.

Question. Do you rely chiefly on the personal or real estate of your debtors, as security for their solvency?

Answer. On both; but more on their real estate, particularly in cases of discounts on accommodation paper.

Question. How much might your banking capital be increased with safety and advantage to the community?

Answer. Double the amount of our business might have been done on safe paper, for the last three years, judging from the calls made for money, and the character of paper offered for accommodation.

Question. What is the political character of your State directors?

Answer. One Van Buren man, one a whig, and as to the third, cannot say definitively what are his politics, but think he may be a Harrison man—don't know, exactly.

GEO. W. RATHBONE.

The following answers, on behalf of the Terre Haute branch, to the general interrogatories of the committee, were laid before the committee by the chairman, to wit:

Answers by A. B. Fontaine, cashier of the branch at Terre Haute, to certain interrogatories propounded by the standing committee on the State Bank of Indiana, appointed on the part of the House of Representatives of said State, Dec. 16, 1839:

Answer to 1st Interrogatory.—About four hundred and seventy.

Answer to 2d Interrogatory.—The directors in this branch were indebted individually, and including the whole amount of indebtedness of their firms, \$21,005 34.

Answer to 3d Interrogatory.—The other stockholders were liable as drawers or payors \$26,678, and as endorsers \$36,550.

Answer to 4th Interrogatory.—The whole amount of discounts to residents of Terre Haute was \$77,727; and to residents of Vigo county, out of Terre Haute, \$21,390.

Answer to 5th Interrogatory.—I do not know and have no means ascertaining.

Answer to 6th Interrogatory.—

24 persons own stock of \$500 and under.

16	"	"	over \$500 and under \$1,000.
23	"	"	" 1,000 " 5,000.
2	"	"	" 5,000 " 10,000.
1	"	"	" 10,000.

Answer to 7th Interrogatory.—Thirty two, as follows:

No. 1, \$250	No. 9, \$200	No. 17, \$1,575	No. 25, \$515
" 2, 300	" 10, 2,125	" 18, 1,000	" 26, 650
" 3, 950	" 11, 2,250	" 19, 750	" 27, 4,500
" 4, 2,909	" 12, 200	" 20, 1,300	" 28, 1,000
" 5, 3,000	" 13, 1,250	" 21, 1,250	" 29, 225
" 6, 10,000	" 14, 900	" 22, 173	" 30, 50
" 7, 2,250	" 15, 500	" 23, 2,200	" 31, 2,650
" 8, 2,083	" 16, 1,050	" 24, 2,800	" 32, 215

Answer to 8th Interrogatory.—The liabilities of the directors at the time of our report in 1838, individually and in the names of their firms, was as endorsers \$17,388, and as drawers or payors \$18,727, as near as I can ascertain.

Answer to 9th Interrogatory.—Our suspended debt was \$35,452 35 on which two of our stockholders were responsible, the one as a drawer of a bill of exchange of \$5,000, which was and is amply secured on mortgage of real estate; the other as endorser on a note of \$390. This latter owns stock to more than the amount of the debt, which is his only liability to the branch, and is not permitted to transfer the stock or draw his dividends.

Answer to 10th Interrogatory.—One hundred and twenty-five shares.

Answer to 11th Interrogatory.—None.

Answer to 12th Interrogatory.—About ten thousand dollars.

Answer to 13th Interrogatory.—On 30th May, 1836, our specie was lower than it ever was, or has since been, say \$41,811 21; and on 6th October, 1838, it was higher than ever before or since, say \$155,680 06.

Answer to 14th Interrogatory.—Yes, we suspended in May 1837, after ascertaining that the banks generally had suspended, and again on receiving the same intelligence on 16th October 1839, our board of directors caused an order to be recorded, again suspending specie payments. Immediately, however, (say within two or three days,) they learned the suspension was not general; they then instructed me to pay all demands in specie, unless made by foreign brokers or banks, which policy has since been pursued by the branch. The

only demand which was refused (to the best of my knowledge or belief,) was within a day or day or two after the order declaring the branch suspended had been made, and before we had learned that the suspension was not general.

Answer to 15th Interrogatory.—Yes, we have been in the habit of receiving and paying out the notes of a number of solvent banks out of the State.

Answer to 16th Interrogatory.—We have never received or paid out notes of any banks of a less denomination than five dollars, nor in any way given countenance to their circulation.

Answer to 17th Interrogatory.—We loaned to the fund commissioners thirty thousand dollars, on application from them, the Governor, the Secretary of State and the Treasurer of State, saying that the credit and standing of the State would be ruined, unless an advance was made by the branches, to enable the fund commissioners to pay the interest on the State bonds in New York, as the revenue would not be received in time. This loan was merely in anticipation of the revenue then coming in, and is in addition to *advances* heretofore made for them.

Answer to 18th Interrogatory.—The liabilities of the branch directors appointed by the State, were as follows, at the time of their appointment, say:

No. 1, as payor	\$250	—as endorser	\$720
No. 2, "	3,000	—as endorser	1,854
No. 3, "	2,250	—as endorser	1,330

Answer to 19th Interrogatory.—I do not.

I would remark, that where the responsibilities of directors and stockholders are given, the answer includes their liabilities individually, and the whole liability of their firms, where they have any; and further, that in giving such answers, I have for convenience assumed the date of our report to the legislature.

A. B. FONTAINE, Cashier.

At a meeting of the House of Representatives Standing Committee on the State Bank, held pursuant to adjournment, Jan. 19, 1840:

Present, Mr. Bowles, chairman; Messrs. Fisher, Stewart and Robinson,

The chairman laid before the committee the following petition, referred to the committee, by order of the House of Representatives, signed by B. J. Harrison and others.

Also, the chairman laid before the committee the account of George W. Rathbon, for claim as a witness's fees.

Also, a printed document, over the signature of "Atticus," on the subject of currency and national fiscal agent of the United States.

Elizur, Deming, on behalf of the Lafayette branch, examined and sworn.

Question 1st. How long have you been in office in the Lafayette branch?

Answer. I was elected President of that board in June, 1838, and have been State director since last November.

Question 2. What are the number of stockholders in that branch?

Answer. I can't correctly answer; but suppose them to be considerably over one hundred.

Question. What is the amount of your suspended debt?

Answer. For cash paid for internal improvements on the part of the State \$177,119 60. We have also State bonds for \$20,000. On the part of individuals, the suspended debt is pretty large, consisting of a heavy file of small names, from 100 to 10,000. My impression is, that of the personal suspended debt, it is endeavored to be reduced by present management, so as the same cannot appear large. I think it may be safely called \$30,000.

Question. What proportion of suspended debt is due from stockholders?

Answer. One stockholder owes over ten thousand dollars. His shares are fifty or fifty-one. Another owes over ten thousand dollars, and owns twenty-five shares.

Question. What amount of stock has your branch?

Answer. Counting bonds in, it is about two hundred and forty thousand dollars.

Question. What is your present amount of specie on hand?

Answer. Over fifty-eight thousand dollars--nearly sixty thousand dollars.

Question. What is the highest amount of specie you had, and when?

Answer. In the fall of 1836, it was about eighty thousand, which I think is the highest amount we have had.

Question. What amount of paper do you renew without curtailments?

Answer. I think, that within the last ninety days it may have been ten thousand dollars.

Question. Did the State board order or request your branch to make advances for the public works?

Answer. Not to my knowledge. There was a short vacancy in my capacity as an officer of the bank, from about the 20th of June to the last November election.

Question. How much stock is owned by persons who owe your bank to the amount of their stock and over?

Answer. I have not the means of answering this question.

Question. What amount of stock has changed hands since November, 1838?

Answer. About ten thousand dollars, which stock has been paid for by means of the assumption of liabilities in said branch.

Question. In what proportion are your discounts distributed between merchants, producers and manufacturers?

Answer. The largest amount is to merchants, who are engaged in buying produce, pork, wheat, &c. We undertook to distribute our

discounts as equally as might be, to the different classes of borrowers; but I cannot give a particular estimate at present.

Question. What proportion does your average daily income bear to your circulation?

Answer. I cannot answer certainly; but know it to be too small. Our circulation is about three hundred thousand dollars, and our curtailments of about twenty-five per cent. every ninety days ought to keep a full counter. But it does not; it is not paid; and, under existing circumstances, it cannot be paid. The intended income is one quarter of the loans. A large majority of our discounts are on accommodation paper.

Question. To what extent may your banking capital be increased, with safety to the bank and to the advantage of the community?

Answer. I do not think it could at present be increased advantageously to the bank or the public. My reason is, that the present suspended debt should be made active capital, and then, I think, the capital might be safely increased to four hundred thousand dollars.

Question. What amount of banking capital has your bank, after deducting the suspended debt of the State, of individuals and State bonds?

Answer. I do not think there would be any thing remaining—it would be very small.

Question. Has your branch been in the practice of purchasing promissory notes?

Answer. Not recently.

Question. What is the political character of your State directors?

Answer. Two whigs and one democrat.

Question. On what kind of property do you rely for the safety of your debts?

Answer. Principally on real estate.

Question. How many borrowers have you now indebted to you to the amount of ten thousand dollars and over?

Answer. Four or five.

Question. How many under ten thousand dollars and over five hundred?

Answer. Not more than the same number.

Question. What were the avowed reasons for Mr. White's removal the first time?

Answer. The use of the funds of the bank for the accommodation of Samuel Taylor, and not charging his own check for one thousand dollars, in balancing the books. White being secretary of the insurance company, overdrew. I refer to the proceedings of the bank in the investigation of that subject. Mr. White's conduct was in violation of the charter; but he is undoubtedly honest. I would trust him in any vault.

Question. Were there any underhanded advantages taken of him in the last investigation, in the way of affording his enemies better opportunity of preferring charges against him, than was allowed him in rebutting the same?

Answer. I don't know that there was; except it might be in a volume of testimony that was sent the State board, that I do not think Mr. White knew of.

Question. Was Mr. White considered a good cashier?

Answer. There is no better in the State: so it is generally thought. Mr. White is a warm-hearted, friendly man; and he made a mistake in not charging himself with his check for Samuel Taylor; but no one has thought it happened through dishonesty. His honor has not been suspected by the mass of the community. Some of his personal enemies may have said hard things of him; but the general opinion is in favor of his integrity.

Question. How many are the debtors of your bank?

Answer. About five hundred.

(Signed)

E. DEMMING.

Adjourned till Monday evening, at six o'clock.

MONDAY EVENING, January 20, 1840.

The committee met pursuant to adjournment.

Present—Mr. Bowles, chairman; White, Fisher and Robinson.

The chairman laid before the committee the answers of the branches at Lafayette and New Albany.

Answers to interrogatories put to the officers of the State Bank of Indiana, at Lafayette, by a committee on the banks of Indiana, of the House of Representatives, as follows:

INTERROGATORY NO. 1.

The respondent says that there were five hundred and six debtors or borrowers to this branch on the 15th November last, at which time our last report was forwarded to the Legislature of the State.

INTERROGATORY NO. 2.

The respondent says that the liabilities as drawers and endorsers of the directors of this branch, as he believes, are as drawers \$19,120, and as endorsers \$39,068, up to the 15th November last.

INTERROGATORY NO. 3.

The respondent says that the other stockholders of this branch amounted at the same time to \$175,737.

INTERROGATORY NO. 4.

The respondent says that the loans made by this branch to persons in town, amounts to \$176,191, and to persons in the country \$75,367.

INTERROGATORY NO. 5.

The respondent says that there are to this date, January 13th, 1840, 44 manufacturers to whom is loaned, by this branch \$31,568; 105 merchants, also, loaned \$160,138; 219 producers, also, loaned \$1,04,462; 77 mechanics, also, loaned \$22,175, and 96 persons of various pursuits other than the above \$21,526; making together 506 borrowers or debtors, owing to this branch collectively \$379,869.

INTERROGATORY NO. 6.

The respondent says, that there are 67 persons holding stock to the amount of \$500 and under; 28 persons over \$500 and under \$1,000; 30 persons over \$1,000 and under \$5,000; 9 persons over \$5,000 and under \$10,000 and none over \$10,000.

INTERROGATORY NO. 7.

The respondent says, that there are 82 persons stockholders, and their indebtedness amounts to \$175,737.

INTERROGATORY NO. 8.

The respondent says, that the liabilities of the directors on the 15th November, 1838, amounts to \$24,816.

INTERROGATORY NO. 9.

The respondent says, that the amount of the suspended debt of this branch on the 15th November, 1839, (our last report.) was \$32,797, and the amount due from stockholders was \$15,143, and that \$9,500 of the latter amount is secured by real estate and bank stock.

INTERROGATORIES NOS. 10 and 11.

The respondent says, that there are 2064 shares of stock held by 98 persons that are indebted to this branch, two-thirds of this number owe more than the amount of their stock; and 716 shares held by 33 persons, not indebted, it is difficult to say what number of the above debtors have owed the bank within a month, to the amount of their stock, from the time it was subscribed or taken, most of them, however, are our best and most prompt customers.

INTERROGATORY NO. 12.

The respondent says, that this branch has made loans without the State of Indiana, to the amount of \$740.

INTERROGATORY NO. 13.

The respondent says, that the largest amount of specie in the vault, was on the 29th December, 1838, amount \$97097 84, and the lowest was, on the 13th November, 1839, amount \$58,928 24.

INTERROGATORY NO. 14.

The respondent says, that the branch never did refuse to redeem its notes for specie, (since he was cashier of the branch) until the suspension of specie payments in September last, it was then understood by the directors of this branch, that, should there be large amounts presented by banks or brokers, we would not pay. No such demands have been made, and we have continued to pay 5s and 10s as change for the accommodation of the community.

INTERROGATORY NO. 15.

The respondent says, that they have received and paid out the paper of banks without the State of Indiana.

INTERROGATORY NO. 16.

The respondent says, that this branch has not received or paid out notes of other banks of a less denomination than five dollars, within the last twelve months, (or during the period he has been in office.)

INTERROGATORY NO. 17.

The respondent says, that this branch has now due to her from the State of Indiana, the sum of \$177,119 60, advanced by it for the use of the public works of the State, and by authority of a contract entered into by this branch and the fund commissioners of the State, who engaged to refund the same in New York, within sixty days from time of payment, which they failed to do.

INTERROGATORY NO. 18.

The respondent says, at the time of the appointment of the direc-

tors on the part of the State, of this branch in August last, they were indebted to this branch \$1,244 50 collectively.

INTERROGATORY 19.

The respondent says, that he never had any intimation as to the subject matter of said interrogatory either directly or indirectly.

All of which is respectfully submitted.

Yours very respectfully,

R. MULLIKIN, Cashier.

The answers of M. C. Fitch, President, and Samuel R. Shields Cashier of the branch of the State bank of Indiana at New Albany, to the interrogatories propounded, by the standing committee on the State of Indiana, on the part of the House of Representatives of said State. These respondents, think it worthy of remark, that neither, at the organization of this branch, nor since, has the State been called on by any stockholder, to assist in paying for his stock, and consequently not one mortgage has been given by a stockholder to the State. As may, therefore, be naturally supposed, the stock of this bank originally was, and is still, distributed among a large number of stockholders, most of whom owe small amounts. The number of our stockholders when our first dividend was declared in November 1835, was one hundred and and sixty-five, and the present number is one hundred and three. It seems important that these facts, so different, from what exists in many of the branches, should be borne in mind, in order to arrive at correct estimations of the facts disclosed in our answers. As some of the interrogatories refer to the state of accounts at the time of our last report, and others to the present state of the same, we have, in order to make as early an answer as possible, fixed upon the 1st day of January 1840, as the point of time to which our calculations refer, the difference is very inconsiderable, and by this course the committee will obtain every object they desire, and our labour greatly abridged: this seems the more important to us, as Mr. Shields has been for some time, and still is, much indisposed, which fact has already produced more delay in sending up our answers than we could have wished.

ANSWERS TO INTERROGATORY 1st.

The number of our debts as demands of notes and acceptors or or payors of bills of exchange, are three hundred and forty eight.

INTERROGATORY 2d.

The liabilities of our eleven directors as drawers on notes \$27,764-29, as endorsers on notes \$48,549,35, as endorsers on bills of exchange \$21,809 43.

INTERROGATORY 3d.

Liabilities of stockholders, other than directors are, as payors on notes \$45,273 23, as endorsers on notes \$73,434 90, making the whole amount of liabilities of Stockholders including directors, as payors \$73,037 52, as endorsers on notes and bills \$143,893 68. The amount of loans to persons not stockholders, on notes and bills is \$225,720 87.

INTERROGATORY 4th.

It is difficult to answer this question with perfect accuracy. We should estimate the loans to citizens residing in the town compared to those made to persons residing in the county, as three to one, and perhaps more. It should however be borne in mind, that unlike many others, nearly the entire business of the county is done in the town of New Albany.

INTERROGATORY 5th.

Fifty nine persons who are borrowers, at this branch, are farmers or producers, and the amount on loan to this is \$19,310 91. The number of manufacturers and mechanics who are borrowers is 151, and the account on loan to this class is \$97,847 25. The number of Merchants and Grocers who are borrowers is 70, and the amount on loan to this class is \$90,382 67. Bills of exchange are not considered as accommodation loans, and are not taken into this account.

INTERROGATORY 6th.

Sixty (60) persons hold stock in this bank to an amount under \$500,	22 of and over 500, and under \$1,000	
17 " " "	1,000 " "	5,000
3 " " "	5,000 " "	10,000
1 under		10,000

Stockholders, 103.

INTERROGATORY 7th.

Forty five (45) of the stockholders including eleven directors are borrowers from this bank, and the amount loaned to each is as follows, viz.

No. 1	\$448	No. 14	[1,289	No. 27	640
2	791 33	15	486	28	5,000
3	746 50	16	122	29	2,155
4	1,486 66	17	488	30	893
5	857	18	3,848	31	192
6	3,222 47	19	84	32	406
7	3,577	20	80	33	379
8	3,915 66	21	1,264	34	2,086
9	3,266 16	22	2,440 48	35	425
10	3,566	23	1,000	36	10,441 75
11	6,359 15	24	1,200	37	50
12	192	25	908	38	105
13	150	26	500	39	201
40	138	42	640	44	173
41	4,275	43	2,782	45	240

Of the other (58) stockholders, who own 1076 shares in this bank, they have no accommodation in it.

INTERROGATORY 8th.

The liabilities of the directors of this bank at the time of our report to the Legislature in 1838 were as payors \$33,372 15, as endorsors \$47,008 97.

INTERROGATORY 9th.

Our suspended debt at the time of our last report was \$947,90, no part of which is due from stockholders.

INTERROGATORY 10th.

457 shares of stock in this bank are owned by persons, who are indebted to the bank, to the amount of their stock or beyond it.

INTERROGATORY 11th.

Positively and without evasion, not one dollar,

INTERROGATORY 12th.

\$2,020, of the means of this bank are loaned on notes to persons residing out of this State. A very large portion of our bills of exchange are drawn upon, and accepted by persons residing out of the State. These operations in bills of exchange, enable the bank to keep her line of accommodation discounts to our citizens, higher than she could do without them.

INTERROGATORY 13th.

On Thursday November the 15th, 1838, the specie was highest in our vaults, viz. \$122,765 14, and on December 20th, 1839, it was lowest \$33,564 10. We have arrangements made, by which, from the operations of the bank, without much increase of circulation, we expect to be able in the spring to increase our specie to \$80,000, independent of the debt due the bank from the State of Indiana, which we had heretofore depended upon for that purpose, and should be highly pleased, if we could so depend upon it now.

INTERROGATORY 14th.

In five several instances since the recent suspension by the banks around us, it may perhaps be said, that we have refused to redeem our notes in specie. In two of these instances, we knew the persons demanding, to be from Louisville, and Brokers or the agents of Brokers. Another instance was by a citizen of this place, acting as the agent of a New York House, who went to Louisville and gathered our notes, for the purpose of obtaining the specie to ship to New York. In one of the remaining instances we knew, and in the other we had good evidence to believe, that the notes presented belonged to citizens of Kentucky who wished to obtain the specie for the purpose of selling it. Other than the above we recollect no instances in which demands have been made, where we have not redeemed our notes in specie, or in funds to the satisfaction of the holder. The directors of this bank have taken no resolution upon the subject of the recent suspension by the other banks.

INTERROGATORY 15th.

It has been our constant practice to do so.

INTERROGATORY 16th.

This bank, from the time of its first organization to the present day, has not in one single instance received or paid out in its banking operations, any notes, of any description, of a less denomination than five dollars. We wish to be understood as answering this question frankly, positively, and without any evasion. Even during the suspension of 1837, we invariably and without a single exception, paid every thing less than five dollars in specie, and in payments into bank we did then, and ever have, in all cases, made change in specie, to our people, and never require them to make change to the bank.

INTERROGATORY 17th.

This bank has made large advances to the State, upon the request

of its Fund Commissioners) for disbursement upon its public works, and this has been done upon the solemn and positive engagement of said commissioners, to refund such advances in New York, in a given time. The present indebtedness of the State to this bank, is \$87,-835 80, for monies paid out upon the public works of the State, mostly during the months of June and July last, upon the very urgent solicitation of the Fund Commissioners of the State. The whole amount of this ought by contract to have been repaid to this bank on or before the first day of October last. And the complete failure of the State to pay us, in accordance with the solemn pledge of its legally authorized agents, has caused the institution much trouble and disappointment, if not embarrassment. The board of directors derive their authority for making the advances to the State as aforesaid, from the charter of the bank, and the laws of the State of Indiana. Their motives for doing so may be found in their patriotic feelings, under the influence of which they were induced, with great reluctance, to forego, in some degree, the interests of the institution and its stockholders, and act as they did with the fervent hope that thereby the credit, the good faith, and character of our State and its institutions might be preserved, and a large and worthy portion of our fellow citizens saved from ruin.

INTERROGATORY 18th.

The liabilities of the three directors appointed on the part of the State, at the time they took their seats in the Board, in November, 1839, were, as payors \$5,302; as endorses, \$11,877 96.

INTERROGATORY 19th.

We know of no such proposition or insinuation having been made by any officer or director of this bank; on the contrary, the board of directors of this bank have heretofore solemnly resolved that they would not consent to increase the indebtedness of the State to the bank, upon any such consideration.

The undersigned do hereby certify, and they would be willing to be qualified to the same if required, that the facts set forth in the foregoing answers to the interrogatories propounded to them are in the main correct and true, to the best of our knowledge and belief. We say in the main, because some small errors may have crept into some of the calculations, but if any, they are small and unimportant.

Given under our hands this 13th of January, 1840.

MASON C. FITCH, Pres't.
J. R. SHIELDS, Cash'r.

The chairman laid before the committee written answers of Mr. Coffin, cashier of the Richmond branch to the general interrogatories of the committee, which, on motion, and at the request of Mr. Coffin,

were ordered by the committee, to be received instead of the verbal answers made to the committee by Mr. Coffin, when he was before the committee.

Answers to the interrogatories proposed by the standing committee on the State Bank, appointed on the part of the House of Representatives of the State of Indiana, winter session of 1839 '40, to the cashier of the branch bank at Richmond.

INTERROGATORY 1.

The number of notes and bills in the bank on the 31st of tenth month last, was about 560; the number of debtors would not probably differ materially.

INTERROGATORY 2.

The liability of our directors at the time of the last examination, in the early part of eleventh month last, was \$23,942.95; for their own accommodation as individuals and as partners. It would not vary far from the truth to estimate their liability as endorsers at the same; though it would probably fall short.

INTERROGATORY 3.

To this I cannot answer, not having had sufficient time for the necessary examinations.

INTERROGATORY 4.

We estimate the amount discounted for Richmond at about \$88,615. For the county \$130,090, including bills discounted for pork operations the present season.

INTERROGATORY 5.

We estimate the amount loaned to produce dealers, the greater part of whom are farmers, at about	-	-	\$100,000
To manufacturers, mechanics, &c. say,	-	-	75,000
To merchants,	-	-	75,000
To farmers, not included in the above,	-	-	60,000

I do not rely upon this estimate as being entirely accurate, but sufficiently so, I hope, to answer your purposes.

INTERROGATORY 6.

Of \$500 and under, 90; over 500 under \$1000, 24; over 1000 and under \$5000, 21; over \$5000 and under 10,000, 2; over \$10,000, 1.

INTERROGATORY 7.

I cannot answer this, for reasons stated in answer 3.

INTERROGATORY 8.

I cannot answer this for same reasons.

INTERROGATORY 9.

Our suspended debt is now \$16,454 62, none of which is due from stockholders.

INTERROGATORY 10.

This I cannot answer, (see Answer 3.)

INTERROGATORY 11.

This question as stated, will not apply to our business; I cannot however, without more research than I have had time to make, give you the information you probably desire.

INTERROGATORY 12.

Not over five or six thousand dollars.

INTERROGATORY 13.

The highest, as appears on our weekly statement of 17th of eighth month, 1839, is \$140,476 62. The lowest, by the same, of 30th of eleventh month, 1839, is \$83,291 87. I have looked back but one year.

INTERROGATORY 14.

We have several times declined to redeem in specie. A resolution to decline large amounts was adopted 16th of tenth month, 1839.

INTERROGATORY 15.

Yes.

INTERROGATORY 16.

We have not.

INTERROGATORY 17.

None. We assisted the fund commissioners in the case of the most extreme necessity, in which we were informed that the credit of the State was in the most imminent peril, in the payment of the State's interest, due on the 1st inst., by advancing \$17,500 in specie and specie funds. They had before that, about \$14,000, part of an advance on the public works. We have \$39,000 of State bonds.

INTERROGATORY 18.

They were liable as payors on their own account, and partnership account of \$9,651 42, and as endorsers for others in like manner \$10,669 50.

INTERROGATORY 19.

I do not.

The foregoing answers, though made without all that examination which would ensure entire accuracy, are true according to the best of my knowledge and belief, and may be relied on for general estimates.

ELIJAH COFFIN.

Affirmed to before the undersigned Notary Public, this 18th day of January, 1839. Witness my hand and the impress of my Notarial seal of office.

WILLIAM COX, Notary Public.

On motion,

Ordered, That the committee adjourn until next Wednesday evening at half past 6 o'clock.

WEDNESDAY EVENING, January 22, 1840.

The committee met pursuant to adjournment.

Present--Mr. Bowles, chairman; Messrs. White, Robinson, Fisher and Stewart.

Mr. Merrill, President of the State Bank examined, having been first sworn.

Question 1. What was the amount of money advanced by the teller of the Lawrenceburgh bank, on a bill of exchange or check on Cincinnati, without the knowledge or consent of the Board of Directors of that branch?

Answer. I think about \$1000, drawn by Omer Tousey on one of the banks at Cincinnati, payable in 7 days.

Question 2. Was the check or bill changed to the proper account or was it counted as cash?

Answer. I think it was minuted on a memorandum cash book as a cash item.

Question 3d. Had the person who drew the check any funds to his credit in Cincinnati, at the time said check was drawn?

Answer. I do not know.

Question 4th. Was the check paid at Cincinnati, by the person or bank on whom it was drawn, or was it taken up at the branch where it was made by the person who was accommodated by the negotiation?

Answer. My impression is, that the check was taken in good faith, and expected to be paid at Cincinnati.

Question 5th. Was it done?

Answer. I do not know.

Question 6th. Did it ever come to your knowledge that the cashier at Terre Haute had made an improper use of \$500 of the funds of that branch?

Answer. I have no recollection of the kind. I don't think it possible that any transaction of the kind has ever come to my knowledge.

Question 7th. When did you first receive knowledge of the betting transaction at the South Bend branch?

Answer. During the November session of the State Board, I received a letter from Mr. Brownfield, one of the directors of that branch, stating that Mr. Coquillard, another director, (I speak from memory,) had illegally drawn money from that branch, for the purpose of betting.

Question 8th. Is that the first knowledge you had of that transaction?

Answer. It was.

Question 9th. Was you regularly authorized by the sinking fund commissioner to negotiate the one million loan with the Morris Canal and Banking Company?

Answer. I was authorized to make a loan of a million and a half.

Question 10th. By Mr. White. Have you received, or are you to receive, directly or indirectly, a bonus from the Morris Canal and Banking Company, for making them the loan in the manner you did, of the one million of the funds of the State?

Answer. No.

Question 11th. By same. Have you been, or are you to be in any way benefitted, by the \$20,000 discount made upon the one million of State bonds disposed of by you to the Morris Canal and Banking Company.

Answer. I am not, directly or indirectly.

Question 12th. What portion of the one million will the securities taken by you of that company, cover?

Answer. Under any probable circumstances, the securities are, in my opinion, amply sufficient to secure the State, from the best information I could get.

Question 13th. How long have you been president of the State bank?

Answer. It will be six years on the 13th February next—since its organization.

Question 14th. State how often you have examined the branches in person.

Answer. I have examined all of them at least once a year, and generally one or two twice a year.

Question 15th. Have you been advised that any of the branches have been in the habit of receiving more than six per cent. per annum on bills of exchange, in the purchase of promissory notes, or on accommodation paper?

Answer. My understanding is, that for one or two, years, at first, some four or five of the branches, to wit: at Lafayette, Lawrenceburgh, Madison, Indianapolis, and Bedford, dealt occasionally in the purchase of bills of exchange, which ought not to have been considered as such, and that they charged a premium for exchange, in addition to interest. As soon as these matters came to the knowledge of the State Board, they were censured severally, and this kind of business is supposed to have been abandoned, by all of the branches. Some of the branches, that at Bedford, Indianapolis, and, I think, two or three others, have purchased common promissory notes at a greater discount than six per cent.; not to any great amount, however, more at Bedford, perhaps, than at all the rest. I think the bank has the power by the provisions of the charter, to purchase promissory notes, at such rates as may be agreed on; but the policy of doing so is plainly bad, and the practice ought to be abandoned.

Question 16th. State what has been the greatest amount that you have been apprized of made by any of the branches, by the purchase of bills of exchange or promissory notes, and also state times, as near as you can?

Answer. I cannot from present recollection, make any positive answer; but I have thought at times that some of the branches have bought bills of exchange at too high premiums, but I can't now state particulars. The State Bank Board have remonstrated against such doings, on account of the charges having been made too high.

Question 17th. What has been the course of the bank at Lawrenceburgh in its general transactions, so far as you are acquainted?

(Witness will answer this question in writing to-morrow.)

Question 18th. Have any of the branches violated the charter of the State Bank since you have been its president?

Answer. Officers of the branches have no doubt on some occasions, committed improper acts, but I am not aware that any act has been committed by the bank which can legally be considered a violation of the charter.

Question 19th. Do you think it is in the power of a branch to violate the charter?

Answer. A branch may act contrary to the provisions of the charter, and if this be allowed by the State Board without taking effectual steps to correct the evil, it will in my opinion be in law a violation which will make the whole institution responsible.

Question 20th. Then are we to understand that in your opinion a branch, or branches, cannot themselves violate the charter?

Answer. Not so as to create a forfeiture of the franchises of the whole institution, unless the acts complained of be known to the State Board, and no sufficient steps taken by them to remedy the evil.

Question 21st. Could, in your opinion, one of the branches violate the charter, so as to forfeit its own privileges under the charter?

Answer. Yes.

Question 22d. What is the duty of the State board in such case?

Answer. To suspend the branch, and close up its affairs, if the interest of the State, and the safety of the other branches require it.

Question 22. Has the State board been apprised that some or most of the branches suspended specie payments last fall?

Answer. I believe that some of the branches did not suspend specie payments in any case last fall—that others have suspended against foreigners and brokers, and that most of the branches have paid out small sums when demanded. The intention of some of the branches to take this course was known to the State Board at its last meeting, which was on the second Monday in November last, but the board was not then prepared to act upon the subject.

Question 23d. Why was it unprepared?

Answer. It did not believe that the contemplated suspension proceeded from corrupt motives, and it reserved the subject for consideration, until the whole course of the branches, could be seen in relation to it.

Question 24. Did you advise any of the branches, or their officers, to suspend specie payment?

Answer. I think I might say that I did not; but I might have said, that under certain circumstances, it might be advisable.

Question 25th. Would you consider a refusal to pay specie to any bill holder of the bank, a violation of the charter?

Answer. Not without reference to the circumstances.

Question 26th. What circumstances would authorize, in your opinion, a suspension of specie payment?

Answer. A demand out of proper hours, or when the bank had none on hand, or when evidently the creditors of the bank as a whole, would be benefitted by a temporary suspension—or when the bills had been stolen, or a special agreement as to the bills had been made with the person making the demand.

Question 27th. When the bill holders of the bank, who are of course creditors, demand payment, is it not for their interest they should be paid?

Answer. Yes.

Question 28th. In what manner does the State Board enforce upon the branches the performance of their chartered obligations?

Answer. By issuing orders conditional or absolute, and requiring them to be complied with, and on failure, a *scire facias* would be issued, requiring them to show cause why the branch should not be suspended.

Question 29th. How long has it been since the misconduct of the Lawrenceburgh branch was first reported to the State Board?

Answer. Complaints have been made on several occasions of the misconduct of that branch for the last three or four years. There have been two or three special examinations upon the subject, some of the complaints are found to be groundless, and in some the conduct of the branch has been found to have been censurable, and a censure is now hanging over that branch, and proceedings have been delayed with a hope, that things will be amended.

Question 30th. Then all things have not been reformed?

Answer. I am not advised that all has been done that is desirable.

Question 31st. How long can abuses of the kind, reported to have existed at the branch at Lawrenceburgh, continue under the ordinary administration of the State Board, without correction?

Answer. The improper conduct first referred to has been corrected long since. The bad policy of making and continuing large loans to directors and to stockholders, which I suppose to be the real cause of the present difficulties, did not at first attract so much of the attention of the State Board as it should have done, and from the change of times it is now difficult to apply a prompt remedy. I have reason to believe, from information recently received from Judge Dunn, that the present difficulties will soon be got over.

Question 32. Is it not usual for the examiner of the branches, to make report and publish the same?

Answer. No sir, except to the State Board.

Question 33. Have all the orders of the State Board to the branches, either absolute or conditional been complied with, in reasonable time?

Answer. There does not now occur to me any particular neglect.

Question 34. How many writs of *scire facias* have been issued and to what branches?

Answer. Two, both to Lafayette branch.

Question 35. How were they disposed of?

Answer. The first issued for the failure to bring down their discounts for which a satisfactory explanation was made. While the second was pending some of the directors resigned, and a conditional resolution adopted that the cashier must resign, which he did, the affair was postponed and then dropped.

Question 36. What were the causes for which that writ issued?

Answer. Violations of official duty by the cashier, and his being sustained in the violations of official duty by a majority of the directors.

Question 37. What were those violations.

Answer. There were several; an improper use of the money of the bank by himself; lending the money of the bank to a director, without authority; and false entries of balances in favor of the Lafayette branch and against a bank in New York, when no such balance existed. The vote of the State Board was unanimous in reference to this matter.

Question 38. Did the *scire facias* go before the money thus taken was refunded.

Answer. Not until after.

Question 39. Were the proceedings relative to that *scire facias* recorded agreeably to the charter.

Answer. I suppose they were—and cannot well be mistaken in this respect.

Question 40. Was the conduct of the teller of the Lawrenceburgh branch censured for loaning the \$1000 without authority?

Answer. It was censured by me, and the impropriety admitted by the officer, but he not being on friendly terms with Mr. Tousey, and Mr. Tousey being a highly responsible man, the affair was not considered corrupt, and no action was had by the State Board on the matter.

Question 41. Did not the directors of the Lafayette branch sustain the conduct of their cashier on the ground that it was strictly honest, but only informal?

Answer. I can't say what were their motives.

On motion,

Ordered, That the committee adjourn to meet again on to-morrow evening at half past 6 o'clock.

THURSDAY EVENING, January 23, 1840.

The committee met pursuant to adjournment.

Present—Messrs. Bowles, Fisher, McGaughey, Robinson, White, and Stewart.

The examination of Mr. Merrill continued.

Question 42. At the time the sale of the million of bonds was made to the Morris Canal and Banking Company, had that company fulfilled punctually its previous engagements to the State?

Answer. It was my impression from conversation I had with Messrs. Farrington & Co. late fund commissioner, that it had.

Question 43. What was then the capital of that Company.

Answer. I believe about four millions.

Question 44. What was the market value of the stock of that company at the time you made the sale to it?

Answer. My impression is about 56 per cent.

Question 45. What were the dividends they had made at that time?

Answer. I don't think they have made any for two years past.

Question 46. In what was the capital of this company invested?

Answer. \$3,100,000 in Morris Canal stock, and 1 million in bank stock.

Question 47. Was the credit given to the company on the sale of State stock, longer than usual?

Answer. I understand it was about a medium time.

Question 48. What change had taken place in the circumstances of the company that justify the extension of credit from about ten months to five years?

Answer. They were embarrassed by having taken off the hands of the late fund commissioners, on agreement with the Rothschilds for the pledge of about \$600,000 Indiana bonds, on which 80 cents on the dollar had been advanced, and which the Rothschilds threatened to sell for what they would bring, unless the \$480,000 was immediately refunded, and the Morris Canal and Banking Company had on hand a large amount of stocks, which in the mean time had so fallen in price for the time being that they could not be sold without ruinous sacrifices.

Question 49. Was not the arrangement which was made by the Morris Canal and Banking Company to take off the hands of the fund commissioners the \$600,000 of bonds that had been pledged to Rothschilds prior to your contracts with that company for the bank loan?

Answer. It was.

Question 50. Was not the sales by the fund commissioners to the Morris Canal and Banking Company, of bonds for internal improvement purposes, made prior to your contract with that company for the bank loan?

Answer. Some such sales were made prior and some subsequently.

Question 51. Did you understand when you made the arrangement with that company for bank purposes, that the company had purchased largely of Michigan State stock.

Answer. I did understand so to a considerable amount, part of which the company was then indebted for.

Question 52. Why did you not take a mortgage on the Morris Canal?

Answer. It was already mortgaged, for, I believe, \$746,000, and was so at the time I made the arrangement with the company for bank purposes.

Question 53. How did the Morris Canal and Banking Company come into possession of the stocks you took as security?

Answer. Part they purchased on a credit, and part they took for debts due that company.

Question 54. What was the market value of the Planters and Merchants Bank stock of Mobile, when you took it?

Answer. I don't know. I was informed that it usually divides 7 per cent. on its stock, I don't think it was a specie paying bank at the time.

Question 55. Can you state what was the value of the stock of the bank of Mobile, Manchester Bank of Mississippi, and the City Bank of Buffalo?

Answer. I cannot, but the account was favorable of all these banks except the bank of Buffalo.

Question 56. What was the value of the Susquehannah and Schuylkill rail road stock?

Answer. No market value ascertained. The rail road is not finished and the stock is not in market. A letter of Mr. Southard gives a favorable account of the prospective value of the road and its stock.

Question 57. What was the market value of the stock in the Apalachicola Land Company, and of that in the Mississippi and Arkansas Land Company?

Answer. I do not know that either of these stocks are ever sold in the New York market. The large tract was purchased at one dollar per acre and the other at \$1 80 per acre. A portion of this said to be about one-sixth has been sold at \$6 per acre and a dividend is soon to be made; the balance is said to be of equal value.

Question 58. What is the capital stock of the Apalachicola Land Company?

Answer. One million two hundred thousand dollars.

Question 59. What is the capital stock of the Mississippi and Arkansas Company?

Answer. \$180,000 as I understood.

Question 60. What is your opinion of the present actual value of these securities?

Answer. From the best information I have, I think the lands must be of sufficient value to secure the debt for which those securities are pledged; at all events the securities together are believed to be sufficient.

The following is Mr. Merrill's answer to the 17th question.

In the early business of the Lawrenceburgh branch, it was my understanding that it purchased on some occasions paper purporting to be bills of exchange, which not being founded on business transactions should not have been allowed. In addition to disapproval by me, the State Board have adopted resolutions condemning such acts; and it is my understanding that no paper of the kind has been knowingly purchased for several years past. Early in the business of that branch, the private stockholders generally become borrowers exceeding the amount of their stock, and most of them have continued the loans in their hands. As these persons were mostly active business men, it did not for some time appear that their accommodations were assuming the character of permanent loans; and as the branch had then a portion of the United States deposits, and its paper circulated freely, it was not an easy matter, under the powers given to the State Board by the charter, to adopt an effectual remedy at first. In February, 1838, the following resolution was adopted by the Board: "That it is contrary to the interest and duty of the branches to continue loans in the hands of stockholders, whose business does not enable them to make punctual payments, and that all stockholders be urged to sell their stock, unless there be a portion of the year in which they do not require loans to the amount of it about their ordinary business." In May, 1838, the following: "That all increase of loans on any new stock, ought to be made solely to applicants who are not stockholders." "That to sustain and increase the influence and usefulness of the bank and secure its safety under all circumstances,

it is highly important that there should be a considerable portion of the stockholders who do not wish to be borrowers, or who require only occasional loans about their business; that where such stockholders cannot be had, reasonable calls should still be made on all borrowers, and that at all times a fair proportion of the loans should be made to persons not owning stock, if there be suitable applicants." In November, 1837, the following: "That this Board will consider themselves bound to limit the discounts of any branch which shall continue long loans to its stockholders," and this has been taken into consideration in making such restrictions. In addition to the foregoing and much of the same character which might be taken from the Letter book and Journals, the acts of the Board last session after withholding the dividend from the Lawrenceburgh branch, point to further and prompt action by the State Board if the views it has expressed be disregarded.

Long loans have not been confined to the stockholders, but other persons in and near Lawrenceburgh constantly speaking ill of the branch, have been accommodated largely and suffered to retain their loans for long periods with but little curtailment. These matters have crippled the branch, given credit to the abuse heaped on it, and excited much prejudice against it. While I have supposed the Lawrenceburgh branch has not heretofore used all the means it ought, to set itself right with the public, I have no reason to doubt the solvency of its customers, or that its directors have not generally acted according to their notions of duty. It is understood that the Board has been changed and for the better and great efforts are said to be making to remedy past errors.

The objection I make to lending money to persons who continually misrepresent and abuse the bank, is not because, I think, personal or political enmity ought ever to influence a Board of Directors, but because favors granted to slanderers tends to give credit to what they say, and thereby seriously injures the bank itself. At the Lawrenceburgh branch the loans to merchants have been much too large for the good of the country.

The chairman laid before the committee following answers from the Bank at Michigan City, to the general interrogatories:

OFFICE OF THE STATE BANK OF INDIANA, }
Michigan City, January 6, 1840. }

Copy of interrogatories of a committee of the Legislature addressed to the officers of this branch with the reply of the President and Cashier.

At a meeting of the standing committee on the State Bank of Indiana, appointed on the part of the House of Representatives of said State, held at their committee room in said State House on Monday evening, December 16, 1839.

Present—Mr. Bowles, chairman; Fisher, Stewart, Robinson, White, McGaughey.

Mr. Fisher reported to the committee the following interrogatories to be put to the officers of the several branches of the State Bank of Indiana some or one of them, which on motion were adopted by the committee.

Question 1. What was the number of your debtors at the date of your last report as drawers of notes and bills.

Answer. One hundred and twenty-five, (125.)

Question 2. What were then the liabilities as drawers, endorsers, partners, or otherwise so far as you know or believe of the directors of your bank.

Answer. Their liabilities to this bank was,

As drawers individually, twenty-nine thousand eight hundred and ninety dollars.

As drawers, as partners, twenty-two thousand eight hundred dollars.

As drawers, as endorsers, twenty-thousand four hundred and eighty two dollars.

As drawers, as partners, thirteen thousand six hundred and fifty dollars.

Question 3. What were the liabilities as aforesaid of the other stockholders.

Answer. Liabilities to this bank,

As drawers individually eleven thousand five hundred and eighty dollars.

As partners individually five thousand five hundred dollars.

As endorsers, as partners, twenty-three hundred dollars.

As endorsers individually, twenty-eight hundred and twenty dollars.

Question 4. What proportion of your loans or discounts has been made to persons living within the town in which your bank is located and what within the county.

Answer. The proportion of our loans to the citizens of the town is small, to the country large.

5. We cannot answer this question definitely, as many of our debtors are farmers and merchants, farmers and drovers, millers and farmers, &c., one man carrying on both occupations, some more. There has been a fair distribution of our loans to those having good claims for the continuance and support of this institution.

6. How many persons hold stock in your branch to the amount of \$500 or under.

Answer. 53 to the amount of \$500; and under 6 over 500 and under 1000; 5 to the amount of \$1000 and under \$5000; 2 to the amount of \$5000 and under \$10,000; over ten thousand none.

This answer specifies the amount of stock paid in.

Question 7. How many borrowers at your bank are stockholders, and what is the amount of indebtedness of each.

Answer. The number of borrowers is thirty-two, amount of interest of each we would refer the committee to the examiners report in the State Bank.

8th question does not apply to this branch.

Question 9. What was your suspended debt and what was the amount due from stockholders at the date of your last report.

Answer. Amount of suspended debt, twenty-four thousand nine hundred and forty-five dollars and 85 cents, due from stockholders not any.

Question 10. What amount of stock is owned by persons indebted to your branch to the amount of their stock or beyond it.

Answer. Fifteen thousand and fifty dollars paid in.

Question 11. How much of that amount is owned by individuals who have owed the bank to such extent from within a month after they subscribed.

Answer. Not any.

Question 12. What amount of the means of the bank is loaned to persons out of the State.

Answer. Forty thousand three hundred dollars and twenty-five cents mostly on bills drawn for the purpose of produce, and payable in New York.

Question 13. What and when were the highest and lowest amount of specie in your vault.

Answer. August 31st highest amount \$88,239 30, December 21st lowest amount \$75,509 32.

Question 14. Have you at any time failed to redeem any of your notes on demand or resolved on refusing to redeem, if so, when.

Answer. Negative.

Question 15. Have you received and paid out again the paper of banks without this State.

Answer. We have.

Question 16. Have you paid out or contributed in any manner to the circulation of notes of other banks below the denomination of five dollars, if so, what amount within the last year.

Answer. We have not.

Question 17. How much money has been loaned by your branch to the State or any of its officers as such, what for, and by what authority?

Answer. Ten thousand dollars to pay interest on State loan authority vested in fund commissioners.

Question 18. What were the liabilities as drawers and endorsers or otherwise of the branch directors appointed by the State Bank at the time of the appointment?

Answer. As drawers \$5,300, as endorsers \$4,350.

Question 19. Do you know that any proposition or insinuation has been made by any officer or director of your bank to any member of the present Legislature that the bank would loan the State any sum of money upon the condition of being authorized by the Legislature to issue a million or any other amount in notes under the denomination of five dollars?

Answer. We do not.

WILLIAM CLARK, President.

D. G. COLLAMER, Cashier.

On motion,

Ordered, That the committee adjourn until to-morrow evening at six o'clock.

FRIDAY EVENING, January 23, 1840.

The committee met pursuant to adjournment.

Present, Mr. Bowles, chairman; Messrs. Fisher, M'Gaughey, White, and Robinson.

The chairman laid before the committee a resolution of the House of Representatives, in the words and figures following:

Resolved, That the committee on the State bank be instructed to inquire into the expediency of repealing so much of the law of last session as provides for increasing the capital stock of said bank, with leave to report by bill or otherwise.

Accounts were presented for the following persons who attended as witnesses before this committee; and it is allowed and ordered by the committee, that witnesses are entitled to the same pay for time and travel, as members of the Legislature, to wit:

E. Deming,	11 days
D. R. Dunihue,	9 "
Jonathan A. Liston,	14 "
G. W. Rathbone,	9 "
Horatio Chapin,	13 "
A. B. Fontaine,	6 "

Ordered, That the committee adjourn until next Thursday evening at six o'clock.

At a meeting of the standing committee of the House of Representatives on the State bank, held in pursuance of the notice of the chairman, January 30th, 1840. Present, Mr. Bowles, chairman; Messrs. Fisher, Stewart, M'Gaughey, Robinson, and White.

Mr. Scott, fund commissioner, sworn and examined.

Question 1st. Was you a director of the State Bank in the years 1837, 1838, and part of 1839?

Answer. I was, in 1837, 1838, and 1839.

Question 2. How many writs of *scire facias* have been issued, and to what branches?

Answer. I am not able to answer. I have never heard of but one—there may have been others—I did not attend all the sessions of the State board.

Question 3d. What branch was that against, and what year was it issued?

Answer. I think it was against the Lafayette branch, and in the year 1838. I think I was not present at the board when that proceeding was had.

Question 4. How was it disposed of?

Answer. I understood it was dismissed by the board, after an examination of the Lafayette branch in the summer of '38, made by Mr. Merrill and myself.

Question 5. What were the causes for which that writ issued?

Answer. They were various. The principal, if I recollect right, were charges against the cashier, and some of the directors who borrowed too much money themselves.

Question 6. What were those various charges?

Answer. As I at present recollect, the charge against the cashier was for loaning out money informally, and without the direction from the board of directors. There were other charges against him; some of an official, and some of a private character, but I cannot recollect them so particularly as to detail them now.

Questions 7. Did the *scire facias* go before the money with which the cashier was charged of taking informally was refunded?

Answer. I cannot tell.

Question 8. Was the report and resolutions of the State Board upon the subject of the *scire facias*, and the dismissing of it adopted by the board unanimously?

Answer. I cannot recollect.

Question 9. Who was the cashier of the Lafayette branch at that time?

Answer. James White.

Question 10. By Mr. White. Were there any new charges brought against me and sustained, after Mr. Merrill had recommended my re-appointment?

Answer. There were new charges brought against Mr. White after the time he alludes to, and partially sustained, but not in my opinion sufficiently to justify his removal from office. Mr. Merrill and myself disagreed upon that subject, according to my present impression.

ANSWERS OF THE LAWRENCEBURGH BRANCH.

Answer to 1st interrogatory.

About two hundred and twenty.

Answer to the 2d interrogatory.

The liabilities of directors as drawers at the time of our last report were about eighty two thousand dollars: of these liabilities however, it will be proper to remark we have taken half of the liabilities of a firm where two partners, and a third where three, there are but three directors connected with firms. One firm, two partner's debt \$12,000;

one firm two partner's debt \$6,000, and one three partners debt \$48,000—I would further add, that one of the directors whose liabilities are quite as heavy as any other, was not a director when his debt was contracted. The liabilities of the directors as endorsers were about eighty thousand dollars.

Answer to the 3d interrogatory.

It will be impossible to answer the 3d question correctly as some of the stock was taken by individuals in the names of their children; and as some of them have since become of age. Whether they now absolutely own the stock or not we do not know; but as near as can be come at the amount by liabilities of stockholders other than directors as drawers and partners were one hundred and twenty seven thousand dollars; and their liabilities as endorsers, one hundred and fifteen thousand four hundred and eighty six dollars.

Answer to the 4th interrogatory.

It would be very difficult to answer the 4th interrogatory as it seems to extend back to the commencement of the operations by the bank: and if we fix upon any particular time the proportion is liable to variation owing to the season of the year; but for the last year would suppose fifty per cent. of the discounts has been within the town and twenty five to the county.

Answer to 5th Interrogatory.

Some of the borrowers belong to neither class specified in the 5th interrogatory and there are some of whose business I have no knowledge as they come from a distance. Of producers there are sixty five, Merchants, forty; Manufacturers, twenty four and there is a class of customers I have styled shippers whose business is to buy produce and ship to the southern market, shippers sixteen.

The amount of loans to each class is as follows, viz: Producers \$142,308, Manufacturers \$68,567, and to Merchants \$205,970, the balance of the discounts to shippers and others.

Answer to 6th interrogatory.

There are four stockholders own \$10,000 and over; six over \$5,000, eighteen over \$1,000, seven over \$500 to \$1,000, and nine under five hundred dollars. To this question it will be proper to add I have written the names of all such stockholders as I think are minors placing the stock to the names of the parents.

Answer to the 7th interrogatory.

There are 33 stockholders borrowers in this branch, and their several indebtedness as follows, viz.

\$2,800	7,300	7,895	5,200	10,000
500	4,520	3,750	1,848	5,022
1,350	210	1,600	5,800	8,836
9,950	2,760	4,005	7,801	1,500
10,000	7,677	1,192	19,942	12,322
5,490	4,500	5,485	12,025	800

and three partners who are stockholders whose indebtedness is \$48,000.

Answer to the 8th interrogatory.

*On the 16th Nov. 1838, the liabilities of directors as furnished by the teller from the books were as follows, drawers, \$83,538 28, endorsers \$140,258 87.

Answer to the 9th interrogatory.

The suspended debt of this branch at the time of our last report was \$39,286 18. Of which stockholders owed none.

Answer to the 10th interrogatory.

\$103,650, of stock is owned by individuals who are indebted to the bank to the amount of their stock or beyond.

Answer to the 11th interrogatory.

I cannot find from the books, that there is more than \$600 of the stock owned by persons who have owed the amount from or within a month after their subscription for the stock.

Answer to the 12th interrogatory.

In my calculation from the books I find loaned out of the State \$16,536 70, some discounts may possibly have been overlooked, A part however of the suspended debt is out of the State and in suit.

*In the foregoing answer however in some cases the whole debt owed by a firm of which a director was a member is included which swells the amount considerably over what it would be if divided according to the proportion of each member.

Answer to the 13th interrogatory.

† The specie was higher in June 1839, and lower in December 1839.

Answer to the 14th interrogatory.

In May 1837 this board under instructions from the State Board resolved to suspend specie payments, never since. We have however since the late suspension by the Philadelphia, Baltimore and Cincinnati banks and other banks, refused to redeem in specie, our notes on demand when returned upon us in large amounts, by brokers and banks and persons without the state. But generally paid our own citizens specie for notes, except in a few instances where the tellers refused supposing the paper had been snatched by a person who had been buying our paper on a discount from a person without the State.

† The amount of specie in June was \$185,405 79, in December \$12,986 59. It may be well here to explain the cause of the great reduction in specie in this branch. Last spring we sent a special agent to New Orleans for the purpose of replenishing our vault with specie who was very successful in getting even more than we supposed would be needed. In the last of June however application was made by the Board of Internal improvements to this branch to make a heavy payment on the White Water canal, by this time our circulation was beginning to return rapidly and the payment was opposed by some of the Board. The matter was taken under advisement for one week, and although it was known that a large portion of the payment would have to be in our own paper, the Board concluded that to refuse they would at once destroy the confidence of the contractors in the state, and thus produce great injury to her in her operations. The payment was however made amounting to form \$78 \$20,000, about \$50,000 of which was in our own paper; this paper was almost immediately taken to Cincinnati and then returned upon us through brokers for redemption a part of which payment is still due us by the State. The run upon us for specie was continued through the whole summer so as to reduce us to fifty odd thousand, at the 31st December we were then called upon by the General Government to pay the balance of our old deposit debt of near \$48,000 which had been received before the suspension of 1837 and had gone into our discounts. This debt we had to pay with \$38,000 specie, and \$10,000 specie means which reduced to \$12,986 59, with \$3,000 of a specie fund in Cincinnati. Our specie is now \$24,356 22 and from the amount of southern bills on hand we have no doubt of having \$100,000 so soon as navigation is free from here to New Orleans.

Answer to the 15th interrogatory.

We have both received and paid out the paper of banks without this state.

Answer to the 16th interrogatory.

During the suspension of the year 1837 we paid out the notes of foreign banks of less denomination than five dollars, and since the late suspension we have also done so but to what extent it would be impossible to say, as they were received and paid out directly without taking any account of the amount.

Answer to the 17th interrogatory.

This branch holds Indiana 6 per cent. bonds to the amount of \$52,000, which was a portion of the 4th instalment of the surplus revenue going to Indiana, which instalment under an act of the Legislature was paid to the State, by the State Bank, and bonds to that amount received therefor.

The State also owes this branch \$49,723 70 for payments made on the White Water canal, under an agreement with the Fund Commissioners of the State.

Answer to the 18th interrogatory.

The liabilities of the directors in this branch at the time of their appointment were as drawers \$39,569 endorers \$20,788 of this sum however as drawers \$25,000 were loaned for the purpose of packing pork last season and since have been paid off and of that sum, viz: \$25,000 the director was one partner out of three interested.

Answer to the 19th interrogatory.

I know of no proposition or insinuation having been made by any officer or director of this bank to any member of the present Legislature that the banks would make a loan to the State on condition said banks were authorized to issue a million or any other amount of small notes of less denomination than five dollars.

STATE OF INDIANA, }
Dearborn county. } ss.

Before me C. G. McComeyges a notary public, within and for said county, personally came Daniel S. Major, who being duly sworn, says,

BANK OF F

	dolls.
d.	
c.	10,000
1831	30,000
v. '39	177,119
c. '39	87,835
'39	49,723
ec. '39	{25,000
	{45,000
ig. '35	{81,511
	{25,000
'40	{15,000
	{46,407
ec. '39	{20,000
	{10,000
r'h '35	
c. '39	10,000
	{35,000
b. '37	{15,000
	{14,000
ov. '39	{17,500
	16,597
	1,57,500
	619,097

A TABULAR STATEMENT OF SOME OF THE ANSWERS TO INTERROGATORIES PUT BY THE STANDING COMMITTEE ON THE STATE B

Branches.	No. of debtors at last report.	LIABILITIES OF DIRECTORS.				LIABILITIES OF OTHER STOCKHOLDERS.				PROPORTION OF LOANS.		HOW MANY BORROWERS ARE.			HOW MANY PERSONS HOLDING STOCK TO THE AMT OF					Total No. of stock-holders	No. of	
		As drawers individually.	As drawers as partners.	As endors'rs individually.	As endors'rs as partners.	As drawers individually.	As drawers as partners.	As endors'rs individually.	As endors'rs as partners.	In town.	In country.	Producers and farmers.	Manufacturers and mechanics.	Merchants.	\$500 and under.	over 1000 and und'r 5000.	over 5000 and und'r 1000.	over 500 and und'r 10,000.	over 10,000.			
Michigan City,	125	29,890	22,800	26,482	13,650	11,580	5,500	2,820	2,300	small	large	no definite answer.			53	6	5	2	none	66	32	
Terre Haute.	470	24,005 34	including indebtedness of firms, &c.				26,678	included	36,550	included	77,727	21,390	no answer			24	16	23	2	1	66	32
Lafayette.	506	19,120	including	39,068	included	175,737	"	included	"	176,494	75,367	212--\$104,462	44--\$31,568	105--\$100,138	67	28	30	9	none	134	82	
New Albany.	348	27,764 29	"	70,458 78	"	45,273 23	"	73,434	"	as 3 to one		52--19,310	151--97,847	76--90,382	60	22	17	3	1	103	45	
Lawrenceburgh,	220	82,000	"	80,000	"	127,000	"	115,486	"	50 per cent.	25 per cent.	65--142,308	21--68,567	{ 40--205,970 16 shippers.	9	7	18	6	4	44	33	
Port Wayne,	423	56,619 50	"	83,519 27	"	85,961	"	100,211	"	150,000	78,000	222--102,000	62--28,500	65--106,000	47	5	11	4	none	77	50	
Indianapolis,	268	46,335	25,122		83,074	135,098	41,964		93,981	218,435	25,325	56--48,216	54--57,613	105--234,302	17	16	27	5	3	68	25	
Madison,	686	38,686	included	13,109	included	54,135	included	24,176	included	220,839	73,815	127,700	89,199	92,344	6	9	24	4	3	46	34	
Bedford,	300	38,200	"	24,063	"	25,167	"	54,565	"	47,600	27,700	100--34,500	50--57,500	90--130,009	25	20	26	1	1	73	40	
Evansville,	280	51,358	"	27,965	"	48,200	"	62,106	"	136,000	19,670	150--41,547	41--41,294	65--111,968	24	18	23	2	none	69	37	
South Bend,	225	49,337	"	41,247	"	90,807	"	62,367	"	55,723	86,354	78--42,883	50--30,034	33--43,934	154	6	3	none	none	163	69	
Vincennes,	540	32,800	"			64,500	"			105,000	25,000	don't know, largest amount to merchants.			67	18	12	1	1	99	48	
Richmond,	560	23,641 95	"	23,941 95	"	can't answer for want of time to examine.				\$8,615	130,090	160,000	75,000	75,000	90	24	21	2	1	138	no	
	4951	520,977 08	47,922	423,854 00	96,724	890,136 23	50,464	531,715	96,281	1,376,433	562,711	956--822,936	583--577,122	589--1240,989	643	195	242	41	15	1146	527	

COMMITTEE ON THE STATE BANK, OF THE HOUSE OF REPRESENTATIVES TO THE BRANCHES OF THE STATE BANK OF INDIANA 1840.

HOLDING STOCK TO THE AMOUNT OF				No. of stockholders that are borrowers.	SUSPENDED DEBT AT LAST REPORT.		Amount of stock owned by persons indebted to that amount or beyond it.	Amount loaned out of the State.	AMOUNT OF SPECIE IN VAULT.				AMOUNT LOANED TO STATE OR ITS OFFICERS.			Amount of liabilities of b'ch direc'rs appointed by the State when appointed.							
over 5000 and under 1000.	over 500 and under 10,000.	over 10,000.	Total No. of stockholders		dolls.	cts.			dolls.	cts.	Highest.	When.	Lowest.	When.	dolls.	cts.	When.	By what authority.	As drawers.	As end'rs.			
											dolls.	cts.	dolls.	cts.	dolls.	cts.			dolls.	cts.			
5	2	none	66	32	21,915	85	not any	\$1,5050 paid in	40,325	51	88,232	30	31st August	75,509	32	21st Dec.	10,000	To pay int. due Jan. 1 1840	Fund commissioner	5,300	4,350		
23	2	1	66	32	35,452	35	5,390	125 shares	10,000		155,680	06	6th October 1838	41,811	21	30 May 1831	30,000	{To pay interest due Jan-uary 1 1840	{Same, Gov. Sec. and Treasurer of State	5,500	3,904		
30	9	none	134	82	32,797	15,143	1376	"	740		97,097	84	29th Dec. '38	58,928	24	13th Nov. '39	177,119	60	for public works.	fund commissioners	1,244	50 collectively.	
17	3	1	103	45 with directors	947	90	not any	457	"	2,020	122,765	14	15th Nov. '38	33,564	10	20th Dec. '39	87,835	80	{June and July last for public works	"	5,302	11,877	96
18	6	4	44	33	39,286	18	not any	\$103,650	16,536	70	185,405	79	June '38	12,986	59	Dec. '39	49,723	70	for White Water canal	"	39,569	20,788	
11	4	none	77	50	18,959	98	{about 4 or 4740	875 shares	3,500		134,585	31	31st Oct. '39	95,455	95	14th Dec. '39	{25,000 {45,000 for pub. w'ks	{To pay interest due 1st January 1840	"	17,259	46,223		
27	5	3	68	25	5,592		not any	\$78,100	22,500		190,282		April '36	48,852		15th Aug. '35	{84,511 {25,000 {15,000	{for pub. w'ks in Nov. last. {for int. due Jan. 1 1840	"	27,075	15,700		
24	4	3	46	34—92,821	35,669	2,150	25—\$72,450		13,055		123,728	47	4th August '38	81,894	44	3d Jan. '40	{46,407 {20,000 {10,000	{Specic loan for public works {last summer for pub. w'ks {last fall specic loan	"	5,050	3,350		
26	1	1	73	40—63,000	31,321	56	not any	354 shares	31,700		100,590	96	24th August '39	63,677	88	14th Dec. '39			"	3,275	4,980		
25	2	none	69	37—99,553	nothing		\$49,150		2,260		106,850	47	24th Feb'y '37	38,980	76	24th Mar'h '35			"	4,335	7,178		
3	none	none	163	69	4,320	3,000	no answer		33,000		85,974	30	Nov. '39	70,733	31st Dec. '39	10,000		{for interest due January 7th 1840	"	4,435	14,072		
12	1	1	99	48—90,000	7,151		not any	415 shares	50,000		118,583	90	6th April '35	60,302	27th Feb. '37		{35,000 {15,000 {14,000	{for pub. w'ks to pay int. due Jan. 1 1840	"	2,400			
21	2	1	138	no answer	16,454		"		5 or 6000		140,476	63	17th Sept. '39	83,291	87	30th Nov. '39	{17,500	{for pub. w'ks to pay int. due Jan 1st 1840	"	9,651	10,669	50	
242	41	15	1146	527	252,896	82	30,423		230,637	24							16,597 49 1,57,500	To pay interest on State bonds 1st January 1840 for public works besides State bonds held.		130,395 92	143,392 56		
														619,097 49									

the foregoing answers are correct so far as he has been able, from the time allotted him in preparing them, to learn: that some of the information were derived from the other officers of the bank whom he was compelled to call to his assistance; that owing to transfers of stock held by minors (or those supposed to be such) loans to friends &c., it has been impossible to make answers correct to a cent; but that they approximate to correctness. Some items may have been accidentally overlooked in the examination.

DANIEL S. MAJOR.

Sworn and subscribed to before me on the 23d day of January, 1840.

C. G. M. COMEYGES, *N^{ty} Public.*

Mr. Judah moved that said report be concurred in.

Mr. Long moved that the report be laid upon the table, and, together with the evidence, be printed;

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Allison, Arnold, Baker, Bell, Berkshire, Bowles, Buckles, Burke, Campbell, Carleton of F., Carlton of L., Clark, Cogswell, Conaway, Cooper, Cox, Cutter, Davis, Dunn, Eccles, Edmonson, English, Farley, Finch, Fisher, Fitch, Flint, Frisbie, Garrigus, Gardner, Haddon, Hamer, Hamblen, Henley, Hull, Hunt of J., Hunt of R., Jackson, Jenckes, Johnson, Lane, Lancaster, Lanius, Lee, Long, McCormack, McCoy, Miller, Milroy, Monroe, Montgomery, Moore of O., Moore of V., Morgan, Morrison, Nelson of B., Nelson of M., O'Neill, Osborn of F., Osborn of U., Perry, Porter, Rippey, Robinson of Rush, Sands, Shiveley, Southard, Spann, Stewart, Warriner, Wheeler, White, Wilson of M., Wilson of W., Worster, Zenor, and Mr. Speaker—74.

Those who voted in the negative were:

Messrs. Atherton, Beckett, Butler, Coats, Dunn, Everts, Jamison, Judah, McGaughey, Parker, Robinson of J., Robinson of Ripley, Rush, Sweetser, Thompson, and Woodard—16.

So said report was laid upon the table, and ordered to be printed.

Mr. Cutter moved that five thousand copies of said report be printed.

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Allison, Bowles, Carlton of L., Conaway, Cutter, Eccles, Fisher, Fitch, Gardner, Hull, Lane, Lanius, Moore of O., Porter, Robinson of Rush, and White—16.

Those who voted in the negative were:

Messrs. Arnold, Atherton, Baker, Beckett, Bell, Berkshire, Buckles, Burke, Butler, Campbell, Carleton of F., Clark, Coats, Cogswell, Cooper, Cox, Davis, Dunn, Edmonson, English, Everts, Farley, Finch, Flint, Frisbie, Garrigus, Haddon, Hamer, Hamblen, Henley, Hunt of J., Hunt of R., Jackson, Jamison, Jenckes, Johnson, Judah, Lancaster, Lee, Long, McCormack, McCoy, McGaughey, Miller, Milroy, Monroe, Montgomery, Moore of V., Morgan, Morrison, Nelson of B., O'Neill, Osborn of F., Osborn of U., Parker, Rippey, Robinson of J., Robinson of Ripley, Rush, Sands, Shiveley, Southard, Spann, Stewart, Sweetser, Thompson, Warriner, Wheeler, Wilson of M., Wilson of W., Woodard, Worster, Zenor, and Mr. Speaker—75.

So the House refused to print five thousand copies of said report.

Mr. Parker moved to suspend the rule for the purpose of introducing a resolution for ascertaining the comparative cost of printing from one to five thousand copies of the report,

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Allison, Arnold, Atherton, Beckett, Bell, Berkshire, Burke, Butler, Campbell, Carleton of F., Coats, Cooper, Cox, Dunn, Everts, Farley, Finch, Fisher, Flint, Hamer, Hamblen, Hull, Hunt of R., Jackson, Jamison, Jenckes, Johnson, Judah, Lancaster, McCoy, McGaughey, Miller, Morgan, O'Neill, Osborn of F., Parker, Porter, Robinson of J., Robinson of Ripley, Robinson of Rush, Rush, Sweetser, Thompson, Wilson of M., Woodard, and Zenor.—46.

Those who voted in the negative were:

Messrs. Baker, Bowles, Buckles, Carlton of L., Clark, Cogswell, Conway, Cutter, Davis, Eceles, Edmonson, English, Fitch, Frisbie, Garrigus, Gardner, Haddon, Henley, Hunt of J., Lane, Lanius, Lee, Long, McCormack, Milroy, Monroe, Montgomery, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of U., Perry, Rippey, Sands, Shiveley, Southard, Spann, Stewart, Warriner, Wheeler, White, Wilson of W., Worster, and Mr. Speaker.—46.

So the rule was not suspended.

On motion,

One thousand copies of the report and evidence, were ordered to be printed.

Mr. Judah moved that Mr. Merrill be furnished with a copy of report by the clerk;

Which motion was decided in the affirmative.

On motion,

The House adjourned until two o'clock, P. M.

Two o'clock P. M.

The House met pursuant to adjournment.

Mr. Bowles, from the committee on the State Bank, reported the following joint resolutions, to wit:

No. 277, a joint resolution in relation to Samuel Merrill, and Calvin Fletcher and Robert Morrison; and

No. 278, a joint resolution in relation to an appointment of an agent to examine the condition of the State Bank;

Which were severally read a first and second times, the rule being dispensed with; and,

On motion,

Laid upon the table.

Mr. Fitch, on leave granted, from a select committee, to whom the subject had been referred, reported

No. 279, a bill attaching Carroll county to the eighth judicial circuit and for other purposes;

Which was read three several times, the rule being suspended, and passed.

Ordered, that the clerk inform the Senate thereof.

On motion of Mr. Jamison,

The rule was suspended, and the amendment of the Senate to bill of the House No. 12, to change the time of holding courts in the eleventh judicial circuit, was taken under consideration.

Mr. Jamison moved to amend said amendment, by striking out the fifth section and inserting a substitute;

Which motion was decided in the affirmative.

Mr. Robinson of Ripley, moved to amend the amendment, by striking out the first and second sections, and inserting a substitute;

Which motion was decided in the affirmative.

Mr. Berkshire moved to reconsider the vote on Mr. Jamison's amendment;

Which motion was decided in the affirmative.

Mr. Wilson of M., moved to lay the bill upon the table;

Which motion was decided in the affirmative.

The House now proceeded to the consideration of bills on their third reading.

No. 44, a bill to amend an act to incorporate the city of New-Albany, and to repeal all laws in force to incorporate the town of New-Albany, approved February 14th, 1839;

No. 63, a bill in relation to the College Funds, in the counties of Gibson and Monroe;

No. 70, a bill relative to the times of holding the Circuit Courts in the counties of Laporte, Porter and Lake, in the ninth judicial circuit;

No. 94, a bill for the relief of Phebe Clymer;

No. 83, a bill concerning the incorporation of the town of Brookville, and for other purposes;

No. 127, a bill to amend an act entitled "an act incorporating the

Richmond and Boston Turnpike Company," approved February 15th, 1839;

No. 133, a bill to amend an act entitled "an act to incorporate the town of Vevay," approved January 30, 1836;

No. 149, a bill to legalize the acts of the Probate Court of DeKalb county;

No. 159, a bill to fix the times of holding Probate Courts in Marion county;

No. 161, a bill to incorporate the Wabash Rangers;

No. 163, a bill to allow further time to the Lawrenceburgh and Indianapolis Rail Road Company to settle up and close their affairs;

No. 164, a bill relative to the purchase of a Fire Engine in the town of Indianapolis;

No. 165, a bill to authorise the holding of an additional term of the Circuit Court for the county of Washington;

No. 167, a bill concerning a State road therein named;

No. 171, a bill concerning the duties of the School Commissioner of Crawford county;

No. 172, a bill to provide for the election of a Justice of the Peace in the town of Owensville in Gibson county;

No. 176, a bill creating the county of Benton and for other purposes;

No. 179, a bill to incorporate the Lagrange Collegiate Institute;

No. 180, a bill to repeal an act entitled "an act providing for the clearing out of Pride's creek in Pike county," approved January 21st, 1839;

No. 181, a bill to authorise the relocation of the State road passing through the town of Rising Sun in the county of Dearborn;

No. 184, a bill to revive an act to incorporate the Lagrange county Manufacturing Company;

No. 185, a joint resolution in relation to contractors;

No. 188, a bill to declare the meaning of the 29th section of an act entitled "an act to regulate the mode of doing county business in the several counties in this State," approved February 17th, 1838;

No. 190, a bill to revive an act entitled "an act to amend an act for the benefit of persons who are likely to suffer by the destruction of the records of Dearborn county;

No. 191, a bill to provide for the election of a justice of the peace and constable in the town of White Hall in Owen county;

No. 192, a bill to declare Main Flat Rock and Big Blue Rivers public highways, in the counties of Henry and Shelby;

No. 193, a bill to authorise the qualified voters of this State to vote for or against a revision of the Constitution of this State;

No. 194, a bill for the relief of the collector of the revenue of Orange county;

No. 195, a bill to incorporate the Wabash Fire Company;

No. 197, a bill to amend an act to incorporate the town of Jeffersonville;

No. 198, a bill concerning the estate of Benjamin F. Butts, deceased;

No. 199, a bill to provide for the re-appraisal of school sections in Lake and Owen counties;

No. 200, a bill to provide for the erection of two bridges in the county of Orange and for other purposes;

No. 202, a bill to incorporate the Washington Band of Musicians;

No. 207, a bill to incorporate the Deerfield, Albany and Marion turnpike company;

No. 210, a bill changing the time of holding Commissioner's Courts in the county of Floyd;

No. 211, a bill to provide for the election of an additional justice of the peace and constable in Morgan township in Harrison county;

No. 212, a bill for the relief of John D. Morrison.

No. 213, a bill to provide for the relocation of the county seat of Scott county;

No. 214, a bill to legalize the proceedings of certain justices of the peace in Clay county and for other purposes;

No. 216, a bill to provide for the relocation of the seat of justice of Huntington county;

No. 218, a bill to authorize the election of an additional justice of the peace in the township of Orange, Noble county;

No. 220, a bill to make allowances to Supervisors for extra services in the county of Boone;

No. 223, a bill to authorize the circuit court of Spencer county to hold an additional term;

No. 225, a bill to incorporate the Kankakee Bridge Company, and for other purposes;

No. 227, a bill to provide for a more uniform mode of doing township business in the county of Cass;

No. 229, a bill to provide for the election of a justice of the peace in Alquina Fayette county;

No. 256, a bill to declare a misprint, and for other purposes;

No. 257, a bill to amend an act entitled "an act to regulate the mode of doing county business in the several counties of this State, approved February 17th, 1838;

No. 258, a bill for the relief of the heirs and administrators of John Tipton, deceased.

No. 266, a bill for the relief of the collector of Lake county;

No. 268, a bill to authorize Absolem Fraser to sell and convey a part of the public square in the town of New Washington;

No. 273, a bill to amend an act entitled "an act concerning enclosures and trespassing animals, approved February 17th, 1838;

Were severally read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 61, a bill amendatory of the charter of the Michigan City, was read a third time; when

Mr. Warriner moved that the bill be laid upon the table;

Which motion was decided in the affirmative.

No. 131, a bill to amend an act entitled "an act to incorporate the town of Indianapolis was read a third time; and

On motion of Mr. Sweetser,

Recommitted to a select committee.

Ordered, That Messrs. Johnson, Sweetser and Beckett be the committee.

No. 18, an engrossed bill of the Senate for taking the enumeration of the White male inhabitants above the age of twenty-one years in this State; and

No. 41, an engrossed bill of the Senate for the relief of Marion county,

Were severally read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 158, a bill of the House to amend an act entitled "an act to regulate the jurisdiction and duties of justices of the peace, approved February 17th, 1838,

Was read a third time; and

On motion of Mr Burke,

Laid upon the table.

No. 162, a bill to divorce Ruth Ann Douglass, was read a third time; and

On the question, Shall the bill pass?

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Bell, Bowles, Burke, Carleton of F., Carleton of L., Cark, Cogwell, Cutter, Davis, Eccles, Edmonson, English, Everts, Fitch, Flint, Fribie, Garrigus, Gardner, Haddon, Herriman, Hull, Hunt of J., Lancaster, Lanius, Lee, McCormack, McCoy, Miller, Milroy, Moroe, Montgomery, Moore of V., Osborn of F., Osborn of U., Perr Porter, Rippey, Robinson of Rush, Sands, Shiveley, Southar Spann, Stewart Warriner, White, Wilson of M., Wilson of W. and Mr. Speaker—49.

Those who voted in the negative were:

Messrs. Allison, Arnold, Atherton, Baker, Beckett, Berkshire Buckles, Butler, Campbell, Coats, Cox, Dunn, Farley, Finch, Hamlen, Hunt of R., Jackson, Jamison, Jenckes, Judah, McGaughey, Morgan, Morrison, Nelson of B., Nelson of M., O'Neill, Osborn of C., Parker, Robinson of J., Robinson of Ripley, Rush, Sweetser, Thompson, Wheeler, Woodard, Worster and Zenor—35.

So said bill passed.

Ordered, That the clerk inform the Senate.

No. 178, a bill to extend to Grant county the provisions of an act entitled "an act providing for a more uniform mode of doing township business in the several counties therein named;

Was read a third time; and

On motion of Mr. Shiveley,
Laid upon the table.

No. 201. a bill to relocate the seat of justice of Lake county, was read a third time; when

Mr. Everts moved to recommit the bill to a select committee, with the following instructions, to-wit: "Insert the following sections:

SEC. That in case the commissioners shall remove the seat of justice from Liverpool, its present location; it shall be the duty of the President Judge, at the first session of the circuit court in Lake county, after the removal is made; to appoint three disinterested persons, either in the county of Lake or some of the neighboring counties, whose duty it shall be, after taking an oath for the faithful performance of the duty assigned them, to proceed to Liverpool with authority to call for and examine persons and papers, touching the rights and interests of any and all persons claiming damages on account of such removal, and assess such damages to each claimant (if any be due) as they may deem just and right.

SEC. That it is hereby made the duty of the Sheriff of Lake county, within ten days after the appointment of the three assessors of damages, named in the section of this act, to notify said persons of their appointment and fix the time of their meeting, which shall be within thirty days after their appointment by the President Judge.

SEC. That if any damages shall be awarded to any claimants, such award shall be made out in writing and signed by said assessors, and directed to the Board doing county business; who shall thereupon, make the allowance accordingly; and shall also make a reasonable allowance to said assessors for their services not exceeding three dollars per day; all of which damages and allowance shall be paid out of the county Treasury of said county of Lake;

Which motion was decided in the negative.

On the question, Shall said bill pass?

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Arnold, Atherton, Baker, Beckett, Berkshire, Bowles, Buckles, Carleton of F., Carlton of L., Clark, Cogswell, Conaway, Cooper, Cox, Davis, Dunn, Eccles, Edmonson, English, Farley, Fitch, Frisbie, Garrigus, Haddon, Hamer, Hamblen, Hull, Hunt of J., Hunt of R., Johnson, Judah, Lane, Lanius, Long, McGaughey, Miller, Milroy, Moore of O., Moore of V., Morrison, Nelson of B., Osborn of F., Osborn of U., Porter, Rippey, Robinson of J., Robinson of Ripley, Sands, Shiveley, Stewart, Sweetser, Warriner, Wheeler, White, Wilson of W., Worster, Zenor and Mr. Speaker—56.

Those who voted in the negative were:

Messrs. Allison, Bell, Burke, Butler, Campbell, Coats, Everts, Finch, Jackson, Jamison, Jenckes, Lee, McCormack, Montgomery, Morgan,

O'Neill, Osborn of C., Parker, Perry, Rush, Thompson, Wilson of M. and Woodard—23.

So said bill passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Long, on leave granted, introduced the following resolution, which was adopted, to-wit:

Resolved, That the fund commissioners be requested to inform the House of Representatives, as soon as convenient, the sum necessary to pay the interest for the year 1841, on bonds sold for internal improvement purposes, and also the amount of available funds for that purpose.

No. 235, a bill to locate the seat of justice of Sullivan county, was read a third time,

And on the question, Shall said bill pass?

And the ayes and noes being requested thereon by Messrs. Jenckes and Cutter,

Those who voted in the affirmative were:

Messrs. Arnold, Atherton, Baker, Beckett, Berkshire, Bowles, Buckles, Carleton of F., Carlton of L., Clark, Cogswell, Cooper, Davis, Dunn, Edmonson, English, Everts, Farley, Fitch, Frisbie, Garri-gus, Gardner, Haddon, Hamer, Hamblen, Henley, Hull, Jackson, Johnson, Lane, Lancaster, Lanius, Lee, Long, M'Cormack, M'Coy, Miller, Milroy, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of C., Osborn of F., Osborn of U., Perry, Porter, Rippey, Robinson of Ripley, Robinson of Rush, Rush, Sands, Shiveley, Spann, Stewart, Warriner, Wheeler, White, Wilson of M., Wilson of W., Woodward, Worster, Zenor and Mr. Speaker—63.

Those who voted in the negative were:

Messrs. Bell, Burke, Butler, Campbell, Coats, Cox, Cutter, Eccles, Finch, Hunt of R., Jamison, Jenckes, Montgomery, Morgan, O'Neill, Parker, Robinson of J. and Thompson—18.

So said bill passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Thompson moved to suspend the rule and take from the table the resolution of the Senate, providing for an adjournment *sine die* of both Houses;

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Arnold, Atherton, Beckett, Buckles, Burke, Carleton of F., Coats, Cooper, Cox, Dunn, Edmonson, English, Everts, Farley, Finch, Flint, Frisbie, Hamer, Henley, Hunt of R., Jackson, Jamison, Lanius' Lee, McCoy, McGaughey, Montgomery, O'Neill, Osborn of C.,

Osborn of U., Parker, Rippey, Robinson of J., Robinson of Ripley, Robinson of Rush, Southard, Thompson, Warriner, Wheeler, Wilson of M., Woodard, Worster, Zenor and Mr. Speaker—42.

Those who voted in the negative were:

Messrs. Allison, Baker, Bell, Berkshire, Bowles, Butler, Campbell, Carlton of L., Clark, Cogswell, Conaway, Cutter, Davis, Eccles, Fisher, Fitch, Garrigus, Gardner, Haddon, Hamblen, Hull, Hunt of J., Jenckes, Lane, Lancaster, Long, McCormack, Miller, Milroy, Monroe, Moore of O., Moore of V., Morgan, Morrison, Nelson of B., Nelson of M., Osborn of F., Perry, Porter, Rush, Sands, Shiveley, Spann, Stewart, White, Wilson of M. and Wilson of W.—44.

So said motion was decided in the negative.

Mr. Milroy, on leave granted, made the following report:

MR. SPEAKER—

The committee on canals and internal improvements, to whom was referred a resolution of the House, directing said committee to “inquire into the expediency of providing by law for the erection of gates, on so much of the New Albany and Vincennes McAdamized road, as may be ready for use, &c., have had the same under consideration, and directed me to report a bill, viz:

No. 280, a bill relative to the New Albany and Vincennes McAdamized road, and for the better regulation thereof.”

The said bill was read a first and second times, the rule being suspended, and ordered to be engrossed for a third reading.

Mr. Morrison, on leave granted, introduced

No. 281, a bill to extend the time of payment of purchasers of saline and school lands in Washington county;

Which was read a first and second times, the rule being suspended, and ordered to be engrossed for a third reading.

A message from the Senate, by Mr. Test their Secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that the Senate has passed an engrossed bill thereof,

No. 60, entitled “an act to prohibit the American Fur Company from banking in this State, and for other purposes; in which the concurrence of the House is respectfully requested.

The said bill was read a first and second time, the rule being suspended; when

Mr. Thompson moved that the bill be committed to the committee on the judiciary.

Mr. Sweetser moved that the bill be laid upon the table, and one hundred copies be printed for the use of the House.

On motion of Mr. Morgan,

Mr. Hunt of R. was added to the committee on roads.

Mr. Morrison made the following report:

MR. SPEAKER—

The committee on enrolled bills report that they have compared the engrossed with the enrolled bills of the following titles, viz:

BILLS OF THE HOUSE.

No. 124, an act to provide for the election of a justice of the peace and constable in the town of Canton, in Washington county;

No. 126, an act to provide for the election of a justice of the peace in the town Macksville in Vigo county;

No. 144, a joint resolution in relation to a grant of lands for an Asylum for deaf mutes and blind persons.

No. 145, an act relative to the three per cent. fund in Spencer county.

No. 103, An act to locate a State road in Green county.

No. 117, an act concerning a school section in Tippecanoe county.

No. 90, an act to change the name of the town of Wilmington in Rush county;

No. 19, an act to repeal so much of an act entitled "an act providing for a more uniform mode of doing township business in the several counties therein named as relates to the counties of Clinton, Delaware, and Hancock;

No. 98, an act to repeal an act entitled "an act to vacate a State road from Corydon in Harrison county to the Ohio river opposite the mouth of Salt River;

No. 89, an act to vacate the town of Voltons ville.

No. 102, an act to authorize the election of an additional justice of the peace in Wayne township in Marion county;

No. 138, an act to provide for the election of a justice of the peace in the town of Bainbridge in Putnam county;

No. 51, an act authorizing the Vanderburgh Lyceum to sell or donate, transfer and convey real estate.

AND BILLS OF THE SENATE,

No. 112, an act for the relief of Conrod Stacer of Vanderburgh county Indiana;

No. 11, an act for the relief of the heirs of Martin Berg.

No. 7, an act entitled an act amendatory to an act entitled "an act relative to practice in circuit courts;

No. 27, an act to extend the time of payment to purchasers of school lands in Monroe county;

No. 8, an act to provide for the support of the indigent blind of this State;

No. 39, an act to amend an act for the incorporation of county Libraries, approved 17th February, 1838.

No. 14, a joint resolution on the subject of a certain mail route therein named, and find the same truly enrolled.

On motion,

The House adjourned until to-morrow morning at nine o'clock.

WEDNESDAY MORNING, FEBRUARY 5, 1840.

The House met pursuant to adjournment.

Mr. Osborn of F., presented the petition of John Eldon, praying for relief, &c.;

Which was referred to the committee on the judiciary.

Mr. Jenckes presented the petition of Moses Pierson and others, of Vigo county, relative to a change in a state road therein named;

Which was referred to the committee on roads.

Mr. Jenckes presented the petition of Addison Williams and others, of Vigo county, relative to a change in a state road therein named;

Which was referred to the committee on roads.

Mr. Herriman presented the petition of Edmund Taylor and others, praying for the location of a certain state road therein named;

Which was referred to the committee on roads.]

Mr. Allison made the following report:

MR. SPEAKER—

The committee of ways and means to whom was referred a resolution of the House No 26, in "relation to authorizing the board doing county business to sit one week as a court," have had that subject under consideration, and directed me to report, that it is inexpedient to legislate upon that subject,

The report was concurred in by the House.

Mr. Bell made the following report:

MR. SPEAKER—

The committee of ways and means to which was referred bill of the House, No. 189, to amend certain acts therein named, have had the same under consideration, and have directed me to report, that the passage of the same is inexpedient.

The report was concurred in; and

On motion of Mr. Moore of O.,

Laid upon the table.

Mr. Parker made the following report:

MR. SPEAKER—

The committee on the judiciary, to whom was referred, the petition of the board doing county business for Wabash county, and bill No. 182, of the House, to legalize certain proceedings of said board, have, according to order, had the same under consideration, and have directed me to report the following bill, which is in substance the same as that referred to the committee, and recommend its passage.

The report was concurred in and the bill No. 182, was ordered to be engrossed for a third reading.

Mr. Finch made the following report:

MR. SPEAKER—

The judiciary committee to which was referred bill No. 169 "to confirm the title made by Harriet M. Williams and Thomas Williams, minors, to certain real estate therein designated," have considered the same, and directed me to report it back without amendment with their recommendation that it pass.

Mr. Finch moved that said bill be considered as engrossed and read a third time now;

Which motion was decided in the affirmative.

The bill was read a third time and passed.

Mr. Finch made the following report:

MR. SPEAKER—

The judiciary committee have considered bill No. 251, "for the relief of the widow, heirs, and administrators of the estate of William Watt," was referred to them, have directed me to report the same back to the House without amendment, and recommend its passage.

On motion of Mr. Butler,

The bill was considered as engrossed, read a third time and passed.

Mr. Farley made the following report:

MR. SPEAKER—

The committee on claims to which was referred, the memorial of William B. Campbell, have had the same under consideration, and have directed me to report the following bill, to wit:

No. 182, a bill for the relief of William B. Campbell;

Which was read a first and second times; when

Mr. Robinson of Ripley moved to strike out of said bill the words "thirty-three," and insert the words "fifty-five;"

Which motion was decided in the negative.

Mr. Robinson of Ripley then moved to amend said bill, by adding thereto, after the word "appropriated," the words "for services rendered in pursuance of an order of the Governor of this state, in going to the State of Ohio, to obtain a fugitive from justice from this State;"

Which amendment was adopted.

The bill was then read a third time and passed, the rule being suspended.

Mr. Farley made the following report:

MR. SPEAKER—

The committee on claims to whom was referred, the petition of James B. Johnson, have had the same under consideration, and have directed me to report the following bill, to wit:

No. 283, a bill for the relief of James B. Johnson, which was read a first and second times, the rule being suspended, and committed to a select committee of Messrs. Wilson of M., Long and Morgan.

Mr. Hunt of J., made the following report:

MR. SPEAKER—

The committee on canals and internal improvements to whom was referred the petition of Julia A. Wernwag, have had the same under consideration and have instructed me to report the following bill, to wit:

No. 284, a bill for the relief of Julia A. Wernwag.

The bill was read three several times and passed, the rule being suspended,

Ordered, That Mr. Hunt of J., inform the Senate thereof,

Mr. Montgomery made the following report:

MR. SPEAKER—

The select committee to which was referred, the petition of sundry citizens of Warren and Tippecanoe counties, asking for a relocation of part of a certain state road therein named, have examined said petition, and directed me to report the following bill, to wit:

No. 285, a bill authorizing the relocation of a part of a certain state road therein named;

Which was read a first and second times, the rule being suspended, and committed to the committee on roads.

Mr. Sweetser made the following report:

MR. SPEAKER—

The committee on corporations to whom was referred the bill No. 249, to amend an act granting to the citizens of Madison and town of Lawrenceburg, a city charter, have had the same under consideration and directed me to report the same without amendment.

Also, the bill No. 169, to amend an act to incorporate the town of Martinsville in Morgan county, approved February 17, 1838, and directed me to report the same without amendment.

Said bills were ordered to be engrossed for a third reading:

Mr. Milroy made the following report:

MR. SPEAKER—

The committee on canals and internal improvements, to whom was referred, two bills of this House, viz:

No. 73 and 79, have had the same under consideration, and have directed me to report the same back to the House with an amendment, to wit: strike out said bills from the enacting clause, and insert the following,

No. 79, a bill providing for the sale of the Wabash and Erie canal lands and for other purposes;"

Which amendment was concurred in by the House.

Mr. Sweetser moved that said bill be laid upon the table;

Which motion was decided in the affirmative.

Mr. Perry made the following report:

MR. SPEAKER—

The select committee to whom was referred bill No. 204, incorporating the Lawrenceburgh and Napoleon turnpike company, have had the same under consideration, and have instructed me to report the

same back to the house with the following amendment, to wit: strike out the 28th sec., and insert the following:

"That the stock of said company shall be liable for all the debts, dues and demands against said company," and respectfully ask the concurrence of the house, to the same.

On the question, shall the report be concurred in?

The ayes and noes being requested thereon, by Messrs. Sweetser and Jenckes,

Those who voted in the affirmative were:

Messrs. Conaway, Herriman, Lanius, Montgomery, Perry, Rippey, and Robinson of J.—7.

Those who voted in the negative were:

Messrs. Albertson, Allison, Arnold, Atherton, Baker, Beckett, Bell, Berkshire, Bowles, Buckles, Burke, Campbell, Carlton of L., Clark, Coats, Cogswell, Cooper, Cox, Cutter, Davis, Dunn, Eccles, Edmonson, English, Everts, Farley, Finch, Fitch, Frisbie, Garrigus, Gardner, Haddon, Hamer, Hamblen, Hull, Hunt of J., Hunt of R., Jackson, Jamison, Jenckes, Johnson, Lancaster, Lee, Long, McCormack, McCoy, McGaughey, Miller, Milroy, Monroe, Moore of O., Morgan, Morrison, Nelson of B., Nelson of M., Osborn of C., Osborn of F., Osborn of U., Parker, Porter, Robinson of Ripley, Robinson of Rush, Rush, Southard, Spann, Stewart, Sweetser, Thompson, Warriner, White, Wilson of W., Woodard, Worster, Zenor and Mr. Speaker—70.

So said amendment was not adopted.

The bill was then ordered to be engrossed for a third reading.

Mr. Fitch made the following report:

MR. SPEAKER—

The select committee to whom was referred a petition for that purpose, have directed me to report the following bill, to wit:

No. 286, a bill for attaching a certain part of the county of Carroll to the county of Cass;

Which was read a first time and passed to a second reading.

Mr. Jamison made the following report:

MR. SPEAKER—

The select committee to whom was referred the bill No. 96, to incorporate the "Greensburgh and Vernon Turnpike Company," have

had the same under consideration, and have instructed me to report the same with an amendment;

Which was concurred in by the House.

Ordered, That the bill be engrossed for a third reading.

Mr. Hull made the following report:

MR. SPEAKER—

The select committee to whom was referred the bill of the House, No. 120, to provide "that the people may elect their own assessors and collectors, and for other purposes," have had the same under consideration, directed me to report the same back to the House with the following amendment, to wit: to strike out said bill from the enacting clause, and insert in lieu thereof the following bill as an amendment:

Mr. Butler moved that one hundred copies of the amendment be printed for the use of the House;

Which was decided in the negative.

Mr. Berkshire moved to strike out of the amendment the words "twenty dollars" and insert "five dollars"—the amount of fine for assessors and collectors refusing to serve when elected;

Which motion was decided in the affirmative.

The amendment, as amended, was then concurred in.

Mr. Zenor moved that the bill be committed to a committee of the whole House and be made the order of the day for to-morrow;

Which motion was decided in the negative.

Mr. Robinson of Ripley, moved that the bill be laid upon the table, and that one hundred copies be printed for the use of the House.

Mr. Sweetser called for a division of the question, and the question being put, on laying the bill upon the table, it was decided in the affirmative.

Mr. Berkshire moved that one hundred copies be printed;

Which motion was decided in the negative.

Mr. Jenckes made the following report:

MR. SPEAKER—

The committee of Ways and Means, to which was referred a resolution of the House No. 14, requesting said committee to enquire into the expediency and propriety of exempting by law the stockholders in the Richmond and Brookville Canal from paying tax on their capital stock for internal improvement purposes, have had the subject under their consideration and instructed me to report that they deem it inexpedient to legislate thereon.

On motion of Mr. Osborn of F.,

The report was laid upon the table.

Mr. Sweetser made the following report:

MR. SPEAKER—

The select committee, to whom was referred the bill No. 131, to amend an act to incorporate the town of Indianapolis, have had the same under consideration and directed me to report the same with an amendment;

Which was concurred in by the House.

The bill was then ordered to be engrossed for a third reading.

Mr. Lane offered for adoption the following resolution:

Resolved, That the chairman of the committee on canals and internal improvements be authorised to employ a clerk, if deemed expedient and necessary by said committee. not exceeding five days.

And on the question, shall said resolution be adopted?

The ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Allison, Bowles, Butler, Carlton of L., Clark, Cutter, Davis, Dunn, Eccles, Edmonson, English, Everts, Farley, Fitch, Garrigus, Gardner, Haddon, Henley, Herriman, Hull, Hunt of J., Jenckes, Judah, Lane, Lancaster, Lanius, Lee, Long, McCormack, McCoy, Miller, Milroy, Monroe, Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of C., Perry, Porter, Robinson of Rush, Sands, Shiveley, Southard, Spann, Stewart, Sweetser, Warri-ner, White, Wilson of M., Wilson of W., and Mr. Speaker—54.

Those who voted in the negative were:

Messrs. Arnold, Atherton, Baker, Berkshire, Buckles, Burke, Campbell, Coats, Cogswell, Cooper, Cox, Finch, Flint, Frisbie, Hamer, Hamblen, Hunt of R., Jackson, Jamison, Montgomery, Moore of O., Morgan, O'Neill, Osborn of F., Osborn of U., Parker, Rippey, Robinson of J., Robinson of Ripley, Rush, Thompson, Woodard, Worster and Zenor—34.

So said resolution was adopted.

Mr. Sweetser, on leave granted, presented a remonstrance from the common council of the town of Indianapolis;

Which was referred to the committee on the affairs of the town of Indianapolis.

Mr. Jamison introduced

No. 287, a bill to amend an act entitled "an act dividing the State into judicial circuits and fixing the times of holding courts therein and for other purposes;

Which was read three several times, the rule being suspended, and passed.

Mr. Rush introduced

No. 288, a bill to vacate a certain State road in the county of St. Joseph;

Which was read a first time and passed to a second reading.

Mr. Robinson of Ripley, moved to take from the table, bill of the House No. 12, as amended in the Senate, on the subject of the judicial circuits; which, after being further amended, was laid upon the table.

On motion.

The House adjourned until two o'clock, P. M.

Two o'clock, P. M.

The House met pursuant to adjournment.

The House proceeded to the consideration of the orders of the day.

No. 5, a joint resolution of the House, instructing our Senators and requesting our Representatives in Congress, to procure the repeal of the duty on salt, was taken under consideration; said resolution passed the Senate with an amendment.

On the question, shall said amendment be adopted? it was decided in the affirmative.

No. 24, a bill of the Senate, to amend the several acts regulating the practice at law was read a second time and passed to a third reading.

On motion of Mr. Long,

The House now resolved itself into a committee of the whole on the bill of the House, No. 273, appointing agents for loaning the surplus revenue in the several counties in this State for the year 1840, Mr. Buckles in the chair, and after some time spent therein the committee rose and reported the bill with its amendments to the House and asked its concurrence therein.

Mr. Miller moved that said bill be referred to a select committee; with the report of the Treasurer of State, and report all names inserted in the bill that have been re-appointed, and have made no returns.

Messrs. Miller, Worster and Fitch were appointed said committee.

A message from the Senate, by Mr. Test, their secretary.

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that the Senate recedes from their third amendment, and insists on the 7th amendment to the bill of the House No. 75, entitled "an act

for the immediate relief of contractors and others engaged on the public works.

The Senate refuse to concur in first and second amendments of the House to the fifth amendment of the Senate to said bill.

The Senate also refuse to concur in the 4th amendment of the House to the sixth amendment of the Senate to said bill.

The Senate concurs in the third amendment of the House to the sixth amendment of the Senate to said bill.

Mr. Lane moved that the House insist on their disagreement to the seventh amendment of the Senate, and

The ayes and noes being requested thereon,

Those who voted in the affirmative were :

Messrs. Albertson, Bowles, Campbell, Carlton of L., Clark, Coats, Conaway, Davis, Dunn, Eccles, Edmonson, English, Farley, Fisher, Fitch, Frisbie, Garrigus, Gardner, Haddon, Hamer, Henley, Jamison, Lane, Lanius, Lee, McCoy, Miller, Milroy, Monroe, Montgomery, Moore of O., Moore of V., Morgan, Morrison, Nelson of B., Osborn of U., Perry, Porter, Robinson of Ripley, Robinson of Rush, Sands, Stewart, Warriner, White, Wilson of W., Worster, Zenor and Mr. Speaker—47.

Those who voted in the negative were :

Messrs. Allison, Arnold, Atherton, Baker, Beckett, Bell, Berkshire, Buckles, Burke, Butler, Carleton of F., Cogswell, Cooper, Cox, Cutter, Everts, Finch, Flint, Hamblen, Herriman, Hull, Hunt of J., Hunt of R., Jackson, Jenckes, Johnson, Judah, Lancaster, Long, McCormack, McGaughey, Nelson of M., O'Neill, Osborn of C., Osborn of F., Parker, Perviance, Rippey, Robinson of J., Rush, Shiveley, Southard, Spann, Sweetser, Thompson, Wilson of M., and Woodard—46.

So the House insisted on their disagreement to said seventh amendment.

Mr. Hunt of J. moved that the House recede from its first amendment to the fifth amendment of the Senate, and

The ayes and noes being requested thereon,

Those who voted in the affirmative were :

Messrs. Allison, Arnold, Atherton, Baker, Bell, Burke, Butler, Carleton of F., Cogswell, Cooper, Cutter, Fitch, Flint, Frisbie, Hamblen, Herriman, Hull, Hunt of J., Hunt of R., Jackson, Lancaster, Long, McCormack, Osborn of C., [Osborn of F., Parker, Porter, Rippey, Robinson of J., Shiveley, Spann, Thompson, Wilson of M. and Woodard—33.

Those who voted in the negative were:

Messrs. Albertson, Beckett, Berkshire, Bowles, Buckles, Campbell, Carlton of L., Clark, Coats, Conaway, Cox, Davis, Dunn, Eccles, Edmonson, English, Everts, Farley, Finch, Fisher, Garrigus, Gardner, Haddon, Hamer, Henley, Jamison, Jenckes, Johnson, Lane, Lanius, Lee, McCoy, McGaughey, Miller, Milroy, Monroe, Montgomery, Moore of O., Moore of V., Morgan, Morrison, Nelson of B., Nelson of M., O'Neill, Osborn of U., Perry, Perviance, Robinson of Ripley, Robinson of Rush, Rush, Sands, Southard, Stewart, Sweetser, Warriner, White, Wilson of W., Zenor and Mr. Speaker—58.

So the House refused to recede from their first amendment to the fifth amendment of the Senate.

Mr. Gardner moved that the House insist on its second amendment to the fifth amendment of the Senate;

Which motion was decided in the affirmative.

Mr. Henley moved that the House insist on its fourth amendment to the sixth amendment of the Senate;

Which motion was decided in the affirmative.

Mr. Henley moved that a committee of free conference be appointed to take under consideration the disagreement between the two Houses;

Which motion was decided in the affirmative.

Messrs. Henley and Lane were appointed said committee on the part of the House.

Mr. Burke moved to take from the table the report of the committee of ways and means, on the subject of the Richmond and Brookville canal;

Which motion was decided in the affirmative; when,

On motion of Mr. Burke,

Said report was referred to a select committee of the delegation from Wayne, Union and Franklin counties.

Mr. Henley moved that Mr. Lane be excused from serving on the committee of investigation;

Which was granted by the House.

Mr. Jamison moved that the said committee be discharged from the further consideration thereof;

Which motion was decided in the negative.

Mr. Jamison moved that Mr. Robinson of J. be appointed on said committee, in the place of Mr. Lane.

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Allison, Atherton, Beckett, Bell, Berkshire, Burke, Butler, Campbell, Coats, Cooper, Cutter, Fisher, Flint, Hunt of R., Jackson, Jamison, Jenckes, Lancaster, McGaughey, Montgomery,

Morgan, O'Neill, Osborn of C., Parker, Robinson of Ripley, Rush, Southard, Thompson, and Woodard—26.

Those who voted in the negative were:

Messrs. Albertson, Arnold, Baker, Bowles, Buckles, Carleton of F., Carlton of L., Clark, Cogswell, Conaway, Cox, Davis, Dunn, Eccles, English, Farley, Fitch, Frisbie, Garrigus, Gardner, Haddon, Hamer, Hamblen, Henley, Herriman, Hull, Hunt of J., Lane, Lanius, Long, McCormack, M'Coy, Miller, Milroy, Monroe, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of F., Osborn of U., Perry, Perviance, Porter, Rippey, Robinson of J., Shively, Stewart, Sweetser, White, Wilson of M., Wilson of W., Worster and Mr. Speaker—55.

Mr. Fisher was appointed by the chair, in the place of Mr. Lane, on the investigating committee.

Mr. Robinson of Ripley moved that Mr. Jamison be added to said committee.

Mr. Morrison made the following report:

MR. SPEAKER—

The committee on enrolled bills report that they have this day presented to the Governor for his approval and signature the following bills which originated in the House of Representatives.

No. 117, an act concerning a school section in the county of Tippecanoe.

No. 103, an act to locate a State road in Green county.

No. 102, an act to authorize the election of an additional justice of the peace in Wayne township in Marion county.

No. 98, an act to repeal an act entitled "an act to vacate a State road from Corydon in Harrison county to the Ohio river opposite the mouth of Salt river, Kentucky.

No. 90, an act to change the name of the town of Wilmington in Rush county.

No. 89, an act to vacate the town of Voltonville.

No. 51, an act authorizing the Vanderburgh Lyceum to sell or donate, transfer and convey real estate.

No. 19, an act to repeal so much of an act entitled "an act providing for a more uniform mode of doing township business in the several counties therein named" as relates to the counties of Clinton, Delaware and Hancock.

No. 24, an act to provide for the election of a justice of the peace and constable in the town of Canton in Washington county.

No. 126, an act to provide for the election of a justice of the peace in the town of Macksville in Vigo county;

No. 138, an act to provide for the election of a justice of the peace in the town of Bainbridge in Putnam county;

No. 145, an act relative to the three per cent fund of Spencer county.

No. 144, a joint resolution relative to the grant of lands for an asylum for deaf mutes and blind persons.

On motion,

The House adjourned until nine o'clock to-morrow morning.

THURSDAY MORNING, FEBRUARY 6, 1840.

House met pursuant to adjournment.

The Speaker laid before the House, a catalogue of the Students of Bloomington State University;

Which was referred to the select committee heretofore appointed to investigate said University.

Mr. Milroy presented the remonstrance of James H. Stewart and others, of Carroll county, against attaching any part of said county to the county of Cass;

Which was referred to a select committee of Messrs. Milroy, Carleton of F. and White.

Mr. Butler moved to dispense with the rule for the purpose of introducing a resolution.

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Allison, Atherton, Beckett, Bell, Butler, Coats, Cooper, Cox, Cutter, Dunn, Everts, Finch, Flint, Hamer, Hunt of J., Jackson, Jamison, Jenckes, Judah, Lancaster, M'Gaughey, Montgomery, Morgan, O'Neill, Parker, Robinson of J., Robinson of Ripley, Rush, Thompson, Wilson of M., and Woodard,—31.

Those who voted in the negative were:

Messrs. Arnold, Baker, Berkshire, Bowles, Buckles, Burke, Campbell, Carleton of F., Carleton of L., Clark, Cogswell, Conaway, Davis, Eccles, Edmonson, English, Farley, Fitch, Frisbie, Garrigus, Gardner, Haddon, Hamblen, Henley, Hull, Hunt of J., Johnson, Lane, Lanius, Lee, M'Cormack, M'Coy, Miller, Milroy, Monroe, Moore of O., Moore of V., Nelson of B., Nelson of M., Osborn of F., Osborn

of U., Perry, Porter, Rippey, Robinson of Rush, Sands, Shively, Southard, Spann, Stewart, Warriner, Wheeler, White, Wilson of W., and Mr. Speaker.—53.

So the House refused to suspend the rule.

Mr. Cutter moved to suspend the rule, for the purpose of taking from the table, the resolution from the Senate, providing for an adjournment, *sine die*, of the two Houses of the General Assembly,

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Atherton, Beckett, Bell, Burke, Carleton of F., Coates, Cooper, Cutter, Dunn, Flint, Hamer, Jackson, Jamison, Judah, M'Coy, M'Gaughey, Montgomery, O'Neill, Parker, Robinson of J., Robinson of Ripley, Thompson, Woodard, and Worster—24.

Those who voted in the negative were:

Messrs. Allison, Arnold, Baker, Berkshire, Bowles, Buckles, Butler, Campbell, Carlton of L., Clark, Cogswell, Conaway, Cox, Davis, Eccles, English, Everts, Farley, Finch, Fisher, Fitch, Frisbie, Garrigus, Gardner, Haddon, Hamblen, Henley, Hull, Hunt of J., Hunt of R., Jenckes, Johnson, Lane, Lancaster, Lanius, Lee, McCormack, Miller, Milroy, Monroe, Moore of O., Moore of V., Morgan, Nelson of B., Nelson of M., Osborn of F., Osborn of U., Perry, Porter, Rippey, Robinson of Rush, Rush, Sands, Shively, Southard, Spann, Stewart, Warriner, Wheeler, White, Wilson of M., Wilson of W. and Zenor—63.

So the rule was not dispensed with.

Mr. Moore of O., presented the petition of H. Richards and others, to repeal so much of the one hundred and third section of the act regulating the jurisdiction of justices of the peace, as respects Owen county, so as to leave the 24th section of the said act in force in said county;

Which was laid upon the table.

Mr. Moore of O., presented the petition of sundry citizens of Owen county, praying that certain relief may be granted to John Johnson;

Which was referred to a select committee of Messrs. Moore of O., Edmonson and Monroe.

Mr. Finch made the following report:

MR. SPEAKER—

The judiciary committee, to which was referred the petition of Newton D. Gist and others, praying that Probate Judges be authorised to take acknowledgments of deeds, &c. have considered the subject embraced in the petition, and have directed me to report the following bill, to wit:

No. 289, a bill to amend an act entitled "an act to organize Probate Courts and defining the powers and duties of executors, administrators and guardians;

Which was read a first time and passed to a second reading.

Mr. Parker, from the committee on the judiciary, made the following report:

MR. SPEAKER—

The committee on the judiciary, to whom was referred a resolution of this House, instructing them "to inquire whether the public interest would sustain any material injury, or the rights of parties litigant be in any degree jeopardized by so changing the law in relation to summoning and empannelling jurors, as to require but one pannel of petit jurors, for each week of each term of any circuit court; and whether by such change, our county expenditures might not be retrenched to the amount of many thousand dollars in the aggregate," have, agreeably to order, had the same under consideration, and have directed me to

REPORT:

That they deem it unwise to legislate on that subject at the present time. In expressing this conclusion, the committee would not be understood as intimating that the matter to which their attention has been directed, is not one amongst many others connected with our present judicial system, which affords just cause of complaint by the people,—one proper for legislative action, and fully within the ability of the Legislature to relieve. But they believe that a more thorough and radical reform of the system and practice is necessary, before this and many other just grounds of complaint can be safely and effectually removed. A reform so important and extensive is deemed necessary that it should not take place until the plan, the details and benefits proposed, shall have been fully laid before the public, and its sanction had. And, therefore, with a view of calling the attention of the people and future legislatures to the subject, the committee venture to submit an outline of such a change in our judicial system and practice, as they believe will procure the benefits desired, together with a few observations on the consequences likely to result from its adoption.

The constant restiveness of the people, in reference to this matter, as indicated by their representatives in the Legislature for years, is evidence conclusive, that there is something wrong. The evil must be found out and removed before the incessant, expensive, and ever-changing legislation on this subject will cease. Until then, our Legislature, after being annoyed for weeks with questions relative to jurors, witnesses, times of holding courts, changing counties from one

circuit to another, additional circuits, additional terms, the practice act, &c. &c.—will but leave the whole matter to come up again for the annoyance of the succeeding Legislature. It is conceived that the most, if not all, of these evils may be remedied—and the people saved from much expense by way of legislation, and the support of courts—parties litigant saved much, and sometimes ruinous expense, in maintaining their suits, and the public agreeably accommodated.

The committee would suggest the following change:

1. Increase the number of circuits, so that four terms of the circuit court could be conveniently held in each county, in each year, and do away with the probate courts, by transferring their business to the circuit courts.

2. So modify the circuit court practice, that each suit shall have its appearance term, when the issues shall be made up—and let all the incidental business of the court, rules of pleading, settling issues, hearing and determining issues on demurrer, and chancery cases, as far as practicable, be transacted when suitors, witnesses, and jurors are not in attendance waiting for trials.

The committee are convinced that the great evil of the present system is the immense loss of time to parties, witnesses, and jurors, whilst impartially waiting the trial of cases postponed from day to day and from week to week, by the interference of other business, and which it is now impossible to prevent. Not only is this loss of time a great calamity to the country at large, by detaining industrious men from their regular business, but it causes a most onerous county burthen, without any corresponding benefit, but the reverse in money and morals, and loads down the assertion of the private rights of the citizen with a bill of costs that is always injurious, and sometimes ruinous to his private fortune. The observation of your committee leads them to believe, that in a large majority of litigated cases, the greatest of all the additional expense incurred by the increased number of judges and prosecutors, which would be necessary; and this is the only material item of expense that would be created by the reform.

It is impossible even to conjecture. Members of your committee have known cases when 10, 20, 40 and even 100 witnesses have been delayed for days and weeks, and then, by the continuance of the case, owing to some change or defect in pleading, pressure of business, or by the absence of a witness, who tired out with daily and weekly attendance, may be accidentally absent, or gone away in disgust at the "law's delay," and thus the whole expense has to be submitted to again, and the same number of useful men again dragged from their homes to dance attendance at the court house.

The committee are of the opinion, that take one court with another, there are at least 10 witnesses in attendance to one juror; and if a like saving of one half of their time and expense can be effected, the advantage to the public in a pecuniary point of view, may be safely set down at 100,000 dollars a year, on account of witnesses.

An immense advantage to the country would result from this in-

crease of terms, by the more rapid dispatch of chancery and criminal business, now too frequently delayed, greatly to the detriment of individuals and the people. Our counties would thus be rid of the great expense, and occasionally the inhumanity, consequent upon the keeping of prisoners through vacations of half a year. The flagrant injustice of these long imprisonments before trial can be had, results not entirely from the constitutional right which the prisoner has of a "speedy trial"—but it not unfrequently happens that after a protracted imprisonment, it turns out that the accused was not guilty. And when there is guilt, it is an ancient maxim of the law that punishment, to accomplish the great object of prosecuting crime, should follow quick upon the commission of the offence.

And it is not perhaps amongst the least of the evils of the present system, that this long continued and wearisome attendance of parties and witnesses too often leads them to intemperate practices and places of resort. All know that the most of us are for relieving the ennui and irksomeness of such a situation, by flying to the grocery which is generally found hard by the court house. Who that has been in the habit of attending courts, is not familiar with the spectacle, when some important case is called, of the neighboring grog shop vomiting out its crowd of witnesses—some of whom peradventure came from home on Monday morning, clean shirted, clean shaved, and as cleanly in behavior and intention, who waited for days with all due sobriety and decorum for the case to come on; but who are now, not only besotted with bald face whiskey, they in appearance and in fact, but are hurried away to jail to sober off, and the case, if not put at the foot of the docket, at least laid over until another day. This is not a sketch of fancy, but the simple exhibition of an ordinary though melancholy reality. It is confidently believed that this evil might be in a great measure removed by the proposed reform.

It may be suggested that these terms of the court might be sufficient to effect the object intended. It must be obvious however, that it would not so completely effect it as would more terms, thereby giving an additional one for the transaction of criminal and chancery business. Besides it would occasion a greater delay in the disposition of ordinary cases than now exists; as a litigated case lies over two terms making eight months, whereas under the system proposed, it would not lie more than six months—and a very large portion of the business would be ended every three months, by default, judgment by confession, on demurrer, &c.

Under the arrangement proposed, our present probate system might be entirely done away with and the business all conveniently done by the circuit courts, with the same promptitude as at present, and much better. The annual cost of the present probate system to the State, is equal to one third of the additional cost created by the proposed reform. The sum that would be saved to the counties in jurors fees, would be at least twice as much as the cost of that reform. The saving to the public in the protracted attendance of suitors and witnesses would be more than ten times the cost of that reform. And

the advantages that would result from a prompt dispatch of civil business, the speedy punishment of crime, and in a moral point of view, are not susceptible of calculation, but it must be conceded that they would be immense.

These observations will be sufficient to apprise the House and the country of the views of the committee, and the benefits to be derived in their estimation by the change proposed. And the committee would respectfully suggest that through the action of this House, this matter be sent to the people for their examination and instruction to their Representatives in the ensuing General Assembly. And also that the Governor of the State be desired to lay this report before the supreme and circuit judges specially, and such others as he may deem expedient, and request from them their views and opinions in respect to the proposed change, its superior advantages and cheapness to the State, the counties and litigants, if any; with such suggestions of amendment or alteration as they may deem advantageous, and that he report their answers with his own views to the next General Assembly.

On motion,

Five hundred copies were ordered to be printed.

Mr. Sweetser made the following report:

MR. SPEAKER—

The committee on corporations to whom was referred, the petition of David Trimble, of Kentucky, praying an act incorporating the Indiana Iron Manufacturing Company, together with a bill accompanying the said petition, have had the same under consideration, and have directed me to report said bill with amendments, as follows, to wit:

No. 290, a bill to incorporate the Indiana Iron Manufacturing Company;

Which was read a first time and passed to a second reading.

Mr. Wilson of M., made the following report:

MR. SPEAKER—

The select committee to whom was referred a bill for the relief of James B. Johnson, have had the same under consideration and directed me to report the bill back to the house with an amendment, in which the concurrence of the House is respectfully requested.

Mr. Arnold moved to lay the report and bill upon the table;

Which motion was decided in the affirmative.

Mr. Johnson made the following report:

MR. SPEAKER—

The committee on the affairs of the town of Indianapolis to whom was referred the petition of E. Browning and G. W. Mears of the town of Indianapolis, praying the vacation of a part of Maridian Street in St. Clair's addition to said town, as well as the remonstrance of Thos. Lupton and others, property holders on said street within the said addition, and also the remonstrance of the common council of the town of Indianapolis, have had that subject under consideration and have directed me to report, that in the opinion of your committee, we had better let it be, and therefore ask to be discharged from the further consideration of that subject.

The report was concurred in and the committee discharged accordingly.

Mr. Bowles offered for adoption the following resolution:

Resolved, That the committee of ways and means be instructed to place in the bill making appropriations for the year 1840, the several sums annexed to the following names, as pay for their services as witnesses before the committee on the State Bank, viz:

For E. Deming	-	11 days	\$33 0
„ D. R. Danihue	-	9 days	27 00
„ J. A. Listen	- -	14 days	42 00
„ G. W. Rathbone	- -	9 days	27 00
„ H. Chapin	-	13 days	39 00
„ A. B. Fontaine	-	6 days	18 00
„ Elijah Coffin	-	6 days	18 00
„ John Sering	-	9 days	27 00
„ Hugh M'Cullough	-	13 days	39 00
			<hr/>
			\$271 00
And also the sum of	-		104 00

For services rendered by Thomas P. Baldwin, of fifty-two days, as clerk to the committee on the State Bank.

Mr. Robinson of Ripley moved to amend said resolution, by striking out so much thereof as applies to the clerk of the Bank committee.

And the ayes and noes being requested thereon by Messrs. Sweetser and Robinson of Ripley,

Those who voted in the affirmative were:

Messrs. Allison, Baker, Bell, Berkshire, Bowles, Buckles, Burke, Butler, Campbell, Carlton of L., Clark, Cogswell, Conaway, Cooper, Cutter, Davis, Dunn, Edmonson, English, Everts, Finch, Fitch, Flint, Frisbie, Garrigus, Gardner, Haddon, Hamer, Hamblen, Henley, Heriman, Hull, Hunt of J., Hunt of R., Jackson, Jenckes, Johnson, Lancaster, Lee, Long, M'Cormack, M'Coy, M'Gaughey, Miller, Milroy, Monroe, Moore of V., Morgan, Morrison, Nelson of B., Nelson of M., O'Neal, Osborn of U., Perry, Porter, Rippey, Robinson of J., Robinson of Ripley, Robinson of Rush, Rush, Sands, Shively, Southard,

Spann, Stewart, Warriner, Wheeler, Wilson of W., Woodard, Zenor, and Mr. Speaker—71.

Those who voted in the negative were:

Messrs. Arnold, Atherton, Beckett, Carleton of F., Coats, Cox, Eccles, Farley, Fisher, Jamison, Montgomery, Moore of O., Osborn of F., Parker, Thompson, White, Wilson of M. and Worster—18.

So said amendment was not adopted.

Mr. Long moved that the resolution be referred to the committee on claims,

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Allison, Baker, Beckett, Berkshire, Bowles, Buckles, Campbell, Carleton of F., Carlton of L., Clark, Cogswell, Conaway, Cooper, Cox, Davis, Dunn, Eccles, Edmonson, English, Everts, Fisher, Frisbie, Garrigus, Gardner, Haddon, Hamblen, Henly, Herriman, Hull, Hunt of J., Hunt of R., Johnson, Lane, Lanius, Long, M'Cormack, M'Coy, M'Gaughey, Miller, Milroy, Monroe, Moore of O., Moore of V., Morgan, Morrison, Nelson of B., Nelson of M., O'Neill, Osborn of F., Osborn of U., Perry, Porter, Rippey, Robinson of Rush, Sands, Shively, Spann, Stewart, Sweetser, Warriner, Wilson of M., Wilson of W., Worster, Zenor, and Mr. Speaker—65.

Those who voted in the negative were:

Messrs. Atherton, Bell, Burke, Butler, Coats, Finch, Flint, Hamer, Jackson, Jamison, Jenckes, Judah, Lancaster, Montgomery, Parker, Robinson of J., Robinson of Ripley, Rush, Thompson, Wheeler, White, and Woodard—22.

So said resolution was referred to the committee on claims.

A message from the Senate by Mr. Test their Secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives, that Messrs. Baird of St. Josephs and Carnan, have been appointed a committee of free conference, on the part of the Senate, to act with a similar committee heretofore appointed by the House, to take into consideration the disagreement of the two Houses in relation to the bill of the House No. 75, for the immediate relief of contractors, and others engaged on the public works.

Mr. Hunt of R., introduced the following preamble and resolution:

Whereas it is right for the people of this State to know how many of their Representatives are in favor of prosecuting all the public

works at the same time; and who are in favor of clasification; and how many representatives are determined to prostrate the entire system of internal improvement.

Therefore, be it resolved, that the Speaker appoint a committee of five whose duty it shall be to report a bill to this House to classify the public works.

Mr. Edmonson moved that the resolution be laid upon the table, And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Atherton, Bell, Bowles, Butler, Carleton of F., Carlton of L., Coats, Conaway, Cox, Cutter, Davis, Eccles, Edmonson, English, Everts, Fisher, Flint, Frisbie, Gardner, Haddon, Hamer, Henley, Jenckes, Johnson, Lane, Lanius, Miller, Monroe, Montgomery, Moore of O., Moore of V., Morrison, Nelson of B., Perry, Porter, Rippey, Robinson of Rush, Rush, Sands, Stewart, Sweetser, Wheeler, White, Wilson of M., Wilson of W., Zenor, and Mr. Speaker—46.

Those who voted in the negative were:

Messrs. Allison, Arnold, Baker, Beckett, Berkshire, Buckles, Burke, Campbell, Clark, Cogswell, Cooper, Dunn, Finch, Garrigus, Hamblen, Herriman, Hull, Hunt of J., Hunt of R., Jackson, Jamison, Judah, Lancaster, Lee, Long, McCoy, Milroy, Morgan, Nelson of M., O'Neill, Osborn of F., Osborn of U., Parker, Robinson of J., Robinson of Ripley, Shively, Spann, Thompson, Warriner, Woodard, and Warster—41.

So said resolution was laid upon the table.

Mr. Moore of O., offered the following preamble and resolution:

Whereas, a committee was appointed by this House, some four or five weeks ago, for the purpose of investigating the overcharge of Messrs. Livingston and Bolton, as public printers for the House, in the years 1837 and 8; and what amount Livingston charged for newspapers for last session of the General Assembly; and whereas it is important that the investigation should be made; therefore, be it

Resolved, That the minority of said committee be instructed to investigate the whole matter, in relation to that subject, and report to this House as soon possible.

Mr. Spann moved that the preamble and resolution be laid upon the table;

Which motion was decided in the negative.

Mr. Robinson of Ripley moved to strike out the word "minority."

Mr. Finch moved to add the following:

"That the Sergeant-at-arms of this House be directed to run down the members of the committee, to gather them together;"

Which motion was decided in the negative.

On the question being put, shall the word minority be stricken out?
 It was decided in the negative.

On the question, shall the resolution be adopted,
 The ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Arnold, Baker, Bowles, Buckles, Campbell, Carleton of F., Carlton of L., Clark, Cogswell, Conaway, Cooper, Cutter, Davis, Dunn, Eccles, Edmonson, English, Everts, Farley, Fisher, Frisbie, Garrigus, Gardner, Haddon, Hamblen, Henley, Herriman, Hull, Hunt of J., Lane, Lanius, Lee, Long, McCormack, McCoy, Miller, Milroy, Monroe, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of F., Osborn of U., Perry, Porter, Rippey, Robinson of Rush, Sands, Shiveley, Stewart, Warriner, Wheeler, White, Wilson of W., Woodard, Worster and Mr. Speaker—60.

Those who voted in the negative were:

Messrs. Allison, Atherton, Beckett, Bell, Berkshire, Burke, Butler, Coats, Cox, Finch, Flint, Hamer, Jackson, Jamison, Jenckes, Lancaster, Morgan, O'Neill, Parker, Robinson of J., Robinson of Ripley, Rush, Southard, Sweetser, Thompson, Wilson of M. and Zenor—36.

So the resolution was adopted.

Mr. Lane, on leave, presented the petition of Mary Gatewood, praying for a divorce;

Which was referred to a select committee of Messrs. Jones, Lane and Robinson of Rush.

On motion,

The House adjourned until two o'clock P. M.

Two o'clock P. M.

The House met pursuant to adjournment.

Mr. Rush, on leave granted, introduced the following preamble and resolution:

Whereas, Jonathan A. Liston, did, in the years 1835 and 6 perform certain services important to the State, as an Attorney at law, in collecting, by suit, in the Cass circuit court, upon the official bond of John Scott and others, a certain sum of money then due the State, for which the said Liston has never received compensation.

Resolved, That the committee on claims be instructed to inquire into the propriety of allowing the said Liston the sum of twenty-five dollars for services rendered aforesaid, with leave to report by bill or otherwise.

On the question, Shall said resolution be adopted? it was decided in the affirmative.

Mr. Hunt of J. presented the petition of Thomas Blair and others, of Spencer county, in relation to a certain State road therein named; Which was referred to a select committee of Messrs. Jones, Frisbie and Edmonson.

Mr. English on, on leave, introduced the following resolution:

Resolved, That the committee of ways and means be instructed to inquire what amendment, if any, is necessary, to the law regulating the vending of clocks, and report the same to this House by bill or otherwise.

Mr. Moore moved to amend, that the committee also inquire what amendments are necessary to the law relating to pedlars of merchandise, &c.;

Which amendment was adopted.

The resolution, as amended, was then adopted.

A message from the Senate by Mr. Wright, a member.

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following bill:

No. 121, a bill postponing the February term of the Park Probate court 1840, until the 4th Monday of March 1840; in which the concurrence of the House is respectfully requested.

Said bill was read three several times and passed, the rule being suspended.

Ordered, That the clerk inform the Senate thereof.

Mr. Cutter moved that the rule be suspended, and the House take under consideration a resolution offered by him a few days since, on the subject of preserving inviolate the credit of the State;

Which motion was decided in the negative.

Mr. Burke moved to take from the table bill No. 158.

Said bill was read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

A message from the Senate by Mr. Test, their secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the amendment of the House to the amendment of the Senate to the bill of the House, No. 28, entitled can act to regulate the jurisdiction of justices of the peace in Brown county;

Also the Senate has concurred in the amendment of the House to

the joint resolution of the Senate No. 10, entitled a joint resolution upon the subject of the Harbor at Michigan city;

Also the Senate refuses to concur in the amendments of the House to the bills of the Senate, No. 42, entitled "an act to incorporate the Orange Guards; and No. 46, entitled "an act to incorporate the Bartholomew County Silk Company;

On the ground, as the Secretary is directed to say, that said bills contain the same provisions that the amendments propose.

Mr. Sweetser moved to recede from the amendments of the House to said bills;

Which motion was decided in the affirmative.

A message from the Senate by Mr. Test their Secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House that the Senate has passed an engrossed joint resolution and bills the House as follows:

No. 132, a joint resolution of the General Assembly relative to the town of Indianapolis;

No. 196, an act for the relief of Isaac Pinnick; and

No. 221, an act to amend an act regulating the mode of summoning and impanneling grand and petit jurors, approved February 17, 1838, as far as relates to the county of Owen, each without amendment.

Also the Senate has passed engrossed bills of the House as follows:

No. 107, an act authorizing Stephen Barnes to build a mill dam across White River; and

No. 136, an act for the relief of Wm. Kempton, each with an amendment, in which the concurrence of the House is respectfully requested.

Also the Senate has passed an engrossed bill thereof, No. 127, entitled "an act relative to school section No. 16, town. 1, north of range 6 west; in which the concurrence of the House is also respectfully requested.

The amendments of the Senate to bills of the House, Nos. 107 and 136, were severally concurred in.

Bill of the Senate, No. 127, was read a first and second times, the rule being suspended, and

On motion of Mr. Bell,

Laid upon the table.

No. 60, an engrossed bill of the Senate, was again taken under consideration, the pending question being, to refer the bill to the committee on the judiciary;

Which motion was decided in the affirmative.

On motion of Mr. Hunt of R.,

The House took from the table bill of the House, No. 12, relative to the times of holding courts, &c.

The amendment of the Senate to said bill was further amended and concurred in by the House.

Ordered, That the clerk inform the Senate thereof.

On motion of Mr. Jamison,

No. 69, a bill to authorize the sale of certain public ground in the town of St. Omer in Decatur county, and for other purposes, was taken from the table.

The bill was ordered to a third reading on to-morrow.

The House now proceeded to the consideration of the orders of the day.

No. 25, a bill of the Senate in relation to the State House, and for other purposes, was read a second time and referred to a select committee of Messrs. Miller, Johnson and Hunt of R.

No. 40, a bill of the Senate, to establish a State road therein named, was read a second time and referred to the committee on roads.

No. 67, a bill subjecting choses in actions to the payment of judgments, was read a second time, when

Mr. Bowles moved to refer the bill to a select committee.

Mr. Long moved that the bill be indefinitely postponed,

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Arnold, Atherton, Baker, Beckett, Bell, Berkshire, Buckles, Burke, Butler, Campbell, Carleton of L., Clark, Coats, Cogswell, Conaway, Cooper, Cutter, Davis, Dunn, Eccles, Edmonson, English, Everts, Fitch, Flint, Haddon, Hamer, Hamblen, Henley, Herriman, Hunt of J., Hunt of R., Jackson, Jamison, Jencks, Lane, Lancaster, Long, McCormack, Milroy, Monroe, Moore of O., Morgan, Nelson of M., O'Neill, Osborn of F., Osborn of U., Porter, Rippey, Robinson of Ripley, Robinson of Rush, Sands, Spann, Stewart, Thompson, Warriner, Wheeler, Wilson of M., Woodard, and Worster—35.

Those who voted in the negative were:

Messrs. Bowles, Carleton of F., Cox, Farley, Finch, Fisher, Frisbie, Hull, Johnson, Lee, McCoy, McGaughey, Miller, Montgomery, Nelson of B., Parker, Perry, Robinson of J., Rush, Southard, Sweetser, White, Zenor and Mr. Speaker—24.

So said bill was indefinitely postponed.

No. 78, a bill of the Senate, preparatory to a general system of education in Indiana;

Was read a second time, and referred to the committee on education.

No. 98, a bill of the Senate, to legalize and confirm the official acts of the several Boards of Trustees of the village of Mishawaka;

Was read a second time and passed to a third reading.

No. 99, a bill to legalize certain acts of the county commissioners

of Cass county, was read a second time and passed to a third reading.

No. 100, a bill of the Senate, to authorize James T. Miller to keep a public ferry across the Wabash river, in Miami county, and for other purposes;

No. 105, a bill to amend an act entitled "an act to incorporate the Western Literary Society of the Wabash College in the county of Montgomery;

Was read a second time, and

On motion of Mr. Bowles,

Referred to the committee on corporations.

No. 108, a bill of the Senate, for the relief of George Crawford and James R. McCord;

Was read a second time and passed to a third reading.

No. 12, a bill of the Senate amendatory of an act regulating the jurisdiction and duties of justices of the peace, approved February 17, 1838, and for other purposes;

Was read a second time and passed to a third reading.

No. 224, a bill of the House to provide, for a more efficient system of common schools;

Was read a second time; when

Mr. Robinson of J. moved to commit the bill to a committee of the whole House for to-morrow;

Which motion was decided in the affirmative.

No. 231, a bill to amend an act entitled "an act to provide for a general system of internal improvements, approved January 27th, 1836;

Was read a second time; when

Mr. Garrigus moved to strike out of said bill, so much thereof as relates to a publication in a newspaper;

Which motion was decided in the affirmative.

The bill was then ordered to be engrossed for a third reading.

No. 232, a bill to incorporate the second Presbyterian church in Crawfordsville;

Was read a second time and ordered to be engrossed for a third reading.

No. 233, a bill to annex all that part of East Knightstown lying east of Blue river to the town of Raysville;

Was read a second time and ordered to be engrossed for a third reading.

No. 234, a bill to provide for the relocation of the county seat of Blackford county;

Was read a second time and ordered to be engrossed for a third reading.

No. 238, a bill to dissolve the bands of matrimony between Peter Makowsky and Amanda Makowsky;

Was read a second time; when

Mr. Sweetser moved that the bill be committed to a committee of the whole House;

Which motion was decided in the negative.

The bill was then ordered to be engrossed for a third reading.

A message from the Senate by Mr. Test their Secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that the Senate has passed an engrossed bill of the House, No. 279, entitled an act to attach Carrol county to the eighth judicial circuit, and for other purposes, with an amendment in which the concurrence of the House is respectfully requested.

On motion,

The amendment of the Senate to said bill was concurred in.

Ordered, That the clerk inform the Senate thereof.

No. 240, a bill for the relief of Mary Holliday;

Was read a second time and ordered to be engrossed for a third reading.

No. 241, a bill for the location of a State road from Hagerstown to Camden;

Was read a second time; when

Mr. Hunt of R. moved that the bill be indefinitely postponed;

Which motion was decided in the negative.

Mr. Baker moved to commit the bill to the committee on roads with instructions to incorporate its provisions in a general road bill;

Which motion was decided in the affirmative.

Mr. Henley, on leave granted, made the following report:

MR. SPEAKER—

Your committee of free conference, appointed to act with a similar committee on the the part of the Senate, on the disagreement of the two Houses, with respect to the bill of the House for the immediate relief of contractors and others engaged on the public works," beg leave to report:

1st. That they have agreed, that the House recede from their objection to the 5th amendment of the Senate, to the 4th section of the bill, by inserting in the 16th line of said amendment after the word "man," the following, viz:

Each of whom shall take an oath or affirmation that he will hear and determine the matter referred according to the best of his knowledge and ability, and that he is not of kin to such claimant, or directly or indirectly interested in the matter at issue, and that such claimant, claimants are not indebted to such arbitrators.

2d. That the House recede from their amendment to the 6th amend-

ment of the Senate to the 5th section of the bill, by inserting in the 15th line of said amendment, after the word "State," the words "for cash."

3d. That the House recede from their objection to the 7th amendment of the Senate to the 6th section of the bill.

Said report was concurred in by the House.

No. 235, a bill for the relief of Lloyd Wedding of Daviess county, was read a second time and ordered to be engrossed for a third reading.

No. 245, a bill for the preservation and furnishing of the State House, was read a second time; when

Mr. Miller moved to commit the bill to the same select committee heretofore appointed on that subject.

No. 247, a bill to authorize Daniel J. Hancock and Isaac Hancock to build a toll-bridge across South Hogan creek, in Dearborn county?

Was read a second time and referred to the committee on corporations.

Mr. Thompson, on leave granted, introduced the following resolution, wit:

Resolved, That the clerk of this House be directed to procure the printing of five hundred copies of the bill for the relief of contractors, in order that it may be distributed among contractors at an early day.

On the question, shall said resolution be adopted? it was decided in the affirmative.

No. 248, a bill to appropriate a part of the three per cent. fund of Ripley county and for other purposes, was read a second and third times, the rule being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

No. 259, a bill to amend an act entitled "an act pointing out the mode of levying taxes and fixing the percentum" for State purposes, approved February 15th, 1839, was read a second time; and

On motion of Mr. Cooper,

Laid upon the table.

Mr. Herriman, on leave granted, introduced the following resolution:

Resolved, That the House of Representatives will, the Senate concurring therein, adjourn, *sine die*, on the 24th of February, 1840.

Mr. Jamison moved to strike out "24th" and insert "17th."

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Arnold, Atherton, Beckett, Bell, Berkshire, Carleton of F., Coats, Cox, Cutter, Dunn, Everts, Finch, Flint, Frisbie, Hamer, Jackson, Jamison, Jenckes, McCoy, McGaughey, Montgomery, O'Neill, Osborn of F., Parker, Robinson of J., Robinson of Ripley, Shiveley, Southard, Sweetser, Thompson, Wilson of M., Woodard, Worster, Zenor, and Mr. Speaker.—34.

Those who voted in the negative were:

Messrs. Allison, Baker, Bowles, Buckles, Burke, Campbell, Carlton of L., Clark, Cogswell, Conaway, Cooper, Davis, Eccles, Edmonson, English, Farley, Fisher, Fitch, Garrigus, Gardner, Haddon, Hamblen, Henley, Herriman, Hull, Hunt of J., Hunt of R., Johnson, Lane, Lancaster, Lee, Long, McCormack, Miller, Milroy, Monroe, Moore of O., Moore of V., Morgan, Morrison, Nelson of B., Nelson of M., Osborn of U., Perry, Porter, Rippey, Robinson of Rush, Rush, Sands, Spann, Stewart, Warriner, Wheeler, White, and Wilson of W.,—55.

So said amendment was not adopted.

Mr. Moore of O. moved to lay the resolution upon the table;

Which motion was decided in the negative.

Mr. Fisher moved to postpone the further consideration of the resolution until the 15th inst.;

Which motion was decided in the negative.

On the question, shall said resolution be adopted?

The ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Allison, Baker, Bell, Berkshire, Bowles, Buckles, Burke, Butler, Campbell, Carlton of L., Clark, Cogswell, Conaway, Cooper, Cutter, Davis, Dunn, Edmonson, English, Everts, Finch, Fitch, Flint, Frisbie, Garrigus, Gardner, Haddon, Hamer, Hamblen, Henley, Herriman, Hull, Hunt of J., Hunt of R., Jackson, Jenckes, Johnson, Lancaster, Lee, Long, McCormack, McCoy, McGaughey, Miller, Milroy, Monroe, Moore of V., Morgan, Morrison, Nelson of B., Nelson of M., O'Neill, Osborn of U., Perry, Porter, Rippey, Robinson of J., Robinson of Ripley, Robinson of Rush, Rush, Sands, Shiveley, Southard, Spann, Stewart, Warriner, Wheeler, Wilson of W., Woodard, Zenor, and Mr. Speaker—71.

Those who voted in the negative were:

Messrs. Arnold, Atherton, Beckett, Carleton of F., Coats, Cox, Eccles, Farley, Fisher, Jamison, Montgomery, Moore of O., Osborn of F., Parker, Thompson, White, Wilson of M., and Worster—18.

So said resolution was adopted.

A message from the Senate by Mr. Test their Secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the report of the committee of free

conference to take into consideration, the disagreement of the two Houses in relation to the bill of the House No. 75, entitled

"An act for the immediate relief of contractors, and others engaged on the public works.

Mr. Morrison made the following report:

MR. SPEAKER—

The joint committee on enrolled bills report that they have compared the following engrossed with the enrolled bills of the Senate, to wit:

No. 63. An act in relation to the Commissioners of the College funds in the counties of Gibson and Monroe.

No. 13. An act to incorporate the Orleans Institute.

No. 18. An act for taking the enumeration of the White male inhabitants above the age of twenty one years in this state.

No. 70. An act relating to the times of holding the circuit courts, in the counties of Laporte, Porter and Lake in the ninth judicial circuit.

No. 131. An act to postpone the February term of the Probate court of Parke county, in the year 1840, and find the same truly enrolled;

Whereupon, the Speaker signed said bills.

Ordered, That the clerk carry them to the Senate for the signature of their President.

A message from the Governor, by Mr. Moore, his private Secretary:

MR. SPEAKER—

I am directed by the Governor to inform the House of Representatives, that he has this day approved and signed Acts of the titles following, to wit:

"An act relative to the three per cent. fund of Spencer county."

"An act to provide for the election of a Justice of the Peace in the town of Bainbridge in Putnam county."

"An act to provide for the election of a Justice of the Peace in the town of Macksville in Vigo county."

"An act to provide for the election of a Justice of the Peace and Constable in the town of Canton in Washington county."

"An act to repeal so much of an act entitled "an act providing for a more uniform mode of doing township business in the several counties therein named," as relates to the counties of Clinton, Delaware and Hancock."

"An act authorizing the Vanderburgh Lyceum to sell or donate; transfer and convey real estate."

"An act to vacate the town of Voltonville."

"An act to change the name of the town of Wilmington in Rush county."

"An act to repeal an act entitled "an act to vacate a State road from Corydon in Harrison county to the Ohio river opposite the mouth of Salt river, Kentucky."

"An act to authorize the election of an additional Justice of the Peace in Wayne township in Marion county."

"An act to locate a State road in Green county."

"An act concerning a school section in the county of Tippecanoe." And also a joint resolution entitled

"A joint resolution relative to a grant of land for an Asylum for deaf mutes and blind persons."

All of which originated in the House of Representatives.

On motion,

The House adjourned until to-morrow morning at nine o'clock.

FRIDAY MORNING, FEBRUARY 7, 1840.

The House met pursuant to adjournment.

The Speaker laid before the House, a communication from the President of the State Bank, in relation to the Report of the State Bank committee.

On motion,

One thousand copies of said report were ordered to be printed; to be appended to the report of the committee on the State Bank.

Mr. Morrison presented the petition of Christopher McGallen, John McAlister and others, praying certain amendments to the road law;

Which was referred to a select committee of Messrs. Morrison, Monroe and Shiveley.

Mr. Milroy presented the remonstrance of John E. Snoebergen and others, of Carroll county, against attaching a part of said county to the county of Cass;

Which was referred to the same select committee heretofore appointed on that subject.

Mr. Fitch presented the petition of M. Tucker and others of Cass and Fulton counties, for a certain State road;

Which was referred to the committee on roads.

Mr. Thompson presented the petition of Stephen B. Lewis and others, of Allen county, praying for a certain State road therein named;

Which was referred to a select committee of Messrs. Thompson, Herriman and Wilson of M.

Mr. Farley moved to add Mr. Sweetser to the committee on claims.

Mr. Henley made the following report:

Mr. SPEAKER—

The committee to whom was referred the following preamble and resolution of this House, to wit:

“Whereas it is reported, that an officer of this House has been assailed, brutally attacked and severely beaten, by a mob of the citizens of Indianapolis; therefore,

“Resolved, That a select committee of five be appointed, to enquire into and report the facts to this House, and to suggest such measures as may be necessary to sustain the dignity of the House of Representatives of Indiana, and maintain the privileges of its members and officers, with full power to carry this resolution into effect,” have directed me to report, that viewing the present state of political excitement, which seems to prevail throughout the whole country, to an alarming extent, and fearing that a single word of approbation or rebuke, to either of the parties concerned, might add fuel to the flame, without producing a corresponding good, we unanimously agree to lay before the House, for its action, the whole of the testimony embodied by us, as a more complete and ample commentary, upon the transaction in question, than we should be able to give.

The committee forbear to express any opinion, as to a breach of privilege, and ask to be discharged from the further consideration of the subject.

FEBRUARY 3, 1840.

At a meeting of a select committee appointed by order of the House of Representatives of Indiana, under a resolution of said House, of which the following is a copy:

“Whereas it is reported, that an officer of this House has been assailed, brutally attacked and severely beaten, by a mob of the citizens of Indianapolis; therefore

“Resolved, That a select committee of five be appointed, to enquire into and report the facts to this House, and to suggest such measures as may be necessary to sustain the dignity of the House of Representatives of Indiana, and maintain the privileges of its members and officers, with full power to carry this resolution into effect.”

Present—Mr. Henley Chairman. Messrs. Robinson of Ripley, Lane, Eccles. and Cutter—Committee.

On motion,

Ordered, That Thomas P. Baldwin be appointed clerk of this committee.

Silas Shoemaker of Indianapolis, having been sworn, testifies as follows:

Question 1. Do you know anything relative to the affray which occurred this morning between the Mr. Morris, Mr. Cain, and Mr. Bolton?

Answer. In the barber's shop of Mr. Turner I saw the two Mr. Morris and Mr. Bolton. The Morris both had hold of Mr. Bolton, who cried murder and attempted to get away—one of the Morris, don't know which, struck Bolton with his fists, they were engaged when I first saw them, the door was closed. I looked through some broken panes of glass. Elliot M. Patterson was holding the door fast, some person attempted to get into the shop, but could not, as the door was held fast by Patterson, who was outside the door. Did not then discover any persons with arms, until Thos. Morris came out of the door, who had a pistol and a club in his hands.

Question 2. How many persons were engaged in this matter?

Answer. Four persons, two in the shop besides Mr. Bolton, and two out at the door.

Question. How did Bolton get the door open?

Answer. I don't know.

Question. Were both persons outside the door holding it?

Answer. No sir. Mr. Nowland stood on the pavement close by the door, and appeared to be rejoicing at the affair.

Question. Do you know if there were any other persons in the shop except the two Morris and Mr. Bolton?

Answer. I do not—but saw the two Morris and John McDougal come out of the shop, but can't say whether they came out together or not.

Question. What position did you occupy when you first discovered the affray?

Answer. At the barber shop door, which is partly a glass door. A pistol was fired at the door of the barber shop as Thos. Morris came out—heard Thos. Morris say, as he was coming up the steps from the shop, "there was Mr. Cain, he would like to kill him, or wanted to kill him," or something of that manner—Thos. Morris had the pistol in his hand, can't say if he fired it.

Question. Did the persons engaged in the affray make an attack upon any persons besides Bolton and Cain?

Answer. Not as I saw.

Question by Mr. Cutter.—What do you understand by a mob?

Answer. Two or three persons attacking a man or parcel of men.

Question by same. Do you consider it was a mob?

Answer. As far as I understand it.

Question. Describe the barber shop.

Answer. It is a small room, perhaps about 10 or 12 feet square.

Question. Did Mr. Nowland or Mr. McDougal offer to stop or prevent the Morrisises from beating Bolton?

Answer. I did not see any thing of the kind.

Question. Was Cain there when you first came to the door?

Answer. I did not see him, but he came there when Mr. Bolton was let out.

Question. Might not Nowland and McDougal have attempted to prevent the Morrisises and you not discover it?

Answer. They might.

Question. What was Nowland doing?

Answer. He was standing on the pavement near by, rejoicing and saying it was right. Some person came up and asked Nowland what was doing; he replied and said, they had Mr. Bolton in there and were serving him right.

Question. What was Mr. Bolton doing?

Answer. He was crying murder and trying to get out.

Question. Did they pursue Bolton?

Answer. Not after he came out as I saw—I saw blood on the side of his head as he came out.

Mr. Cutter made a motion that the chairman issue a notice for Mr. Bolton, Mr. Cain, the two Mr. Morrisises, Mr. Nowland, Mr. McDougal and all persons implicated in the affray, to appear before the committee, if they chose; which move was seconded by Mr. Robinson, and the question was put and decided in the negative.

James Smith, of Indianapolis, sworn, testifies as follows:

As it regards the difficulty between Mr. Bolton and the Mr. Morrisises, I did not see it. My shop is opposite the barber's shop, I left my shop to go home to breakfast; after I had proceeded about 150 yards, I heard the cry of murder, which attracted my attention; I turned round and walked back slowly until I saw men running. I then ran myself until I got pretty near the place and then saw Mr. Bolton walking across the street. Did not know him until I came up to the crowd. He was bloody and looked pale; I inquired who he was, was told it was Bolton, he was bleeding at the nose or mouth, I heard him remark that he was in the act of being shaved and was knocked down with a club. When Mr. Bolton was in the middle of the street, he cried murder. As Morris came out of the door of the barber's shop, he discovered Cain, and said, there was that damned Cain or God damned Cain, or something to that amount, I will blow him through. There was rather a hustling, I think an attempt to get the pistol from Morris was made and it went off. I did not know Bolton on account of the change of his appearance. I had been previously acquainted with him, I knew his voice as I heard him speak, but did not recognize it when he cried murder; of my own knowledge I do not know who were engaged with Bolton.

Wilson Parker, of Indianapolis, sworn, and testifies as follows:

I saw nothing of the difficulty between the Morris and Bolton, I was in at Browning's tavern at the time I suppose they had their scrape. As I came out I saw a crowd gathered before the barber's shop and went to see what was the matter, before I got to the crowd I saw a man fall who was Mr. Cain. When I came up to the company John Morris and Cain were engaged in a fight, that's all I know about the matter. I saw no weapons used but the fists. Thos. Morris was in the crowd but I did not see him engaged. I heard the noise of the report of the pistol, but did not see it.

James McCord Sharp of Indianapolis, sworn, testifies as follows:

This morning as I came out of Jordan's I heard a noise over at the barber shop, I supposed there was a fire and ran over, there was a crowd about the door, I could not get close to the door, I was on the edge of the pavement. Doct. Stipp was standing at the door, I heard a noise in the shop as though some persons were scuffling, I heard the cry of murder proceeding from the shop, I saw a gentleman come up. I supposed it was a member boarding at Mrs. Nowland's, he went to look in; Doct. Stipp told him to stand back—he stepped on a step or two closer as if he wished to get nearer, Doct. Stipp then told him to stand back and let them go on, it was just right. The Doctor placed himself in a position to oppose his going any further. John Nowland then came up and told Doct. Stipp the man did not want to go in, he only wanted to look in and see what was going on. Soon after that I saw the door of the barber's shop open, and Mr. Bolton came out of it; he had neither coat nor hat on; his face was some bloody; he started across the street and went into Mr. Jordan's. Then John Morris, John McDougal and Thos. Morris came out of the barber shop pretty near together. I was looking after Mr. Bolton, who had got near to Jordan's, when I turned round and discovered John Morris and McDougal, followed by Thos. Morris, who had a pistol and an axe-helve in his hands. Just as he came out of the door he cast his eye down the street and saw Capt. Cain standing on the corner of the pavement and said something like that he would kill the rascal; I don't recollect exactly the words. Then John McDougal and Mr. Ballinger ran up and caught hold of the hand he held the pistol in, which was in a direction towards Mr. Cain I think. They held up his hand and some how the pistol went off. the ball I think struck in the shingles on the barber's shop. Doct. Stipp, I supposed, was trying to get Cain away, he was pushing him back. John Morris ran to Cain and struck him with an axe helve I think. I then walked down towards where they were fighting; near the end of the pavement, perhaps 20 steps from the door of the barber's shop; the next I saw was John Mor-

ris and Cain engaged, the crowd gathered round them so that I could only get glimpses. I saw John Morris strike Mr. Cain several times. I did not see Mr. Cain strike him. The place where the ball from the pistol struck was in a different direction from where Mr. Cain was standing when it fired off.

On motion,

Ordered, That the committee adjourn until to-morrow evening at 6 o'clock.

TUESDAY, January 4, 1840, }
6 o'clock, P. M. }

The jury met pursuant to adjournment.

Present—Mr. Henley, chairman; Messrs. Robinson, Cutter, and Eccles.

John McDougal of Indianapolis, sworn, testifies as follows:

Question by Mr. Cutter. Please begin and relate the whole matter, as you know of it, from beginning to end.

Mr. Thos. A. Morris invited me to go with him to Terre Haute to obtain the name of the author of a certain letter which appeared in the Wabash Enquirer, dated from this place of 17th January inst. On our arrival we called upon the Editor of the Enquirer (Mr. Chapman) and demanded the name of the author. The Editor observed that he had received a communication from this place of Mr. McGuire and others, explanatory as I understood him. Mr. Morris said he cared not for that, that he came for the author and that he would have it or hold him responsible. Mr. Chapman consented to give up the manuscript, and taking it from the file, assisted by Mr. Morris, Chapman observed that the author's name had been erased. Mr. Morris remarked you know the author. Chapman replied that he did. Morris remarked he must give it up; thereupon Chapman gave the name of N. Bolton as the author. On one part of the sheet of this communication was contained a letter from Mr. John Cain of this place, enclosing the manuscript for publication. We got a sheet and a half of the original manuscript; I have it, and it is word for word as in the printed article in the Wabash Enquirer dated January 22, and here to the committee exhibited and marked in brackets. The sheet and a half of manuscript does not contain all of the communication we merely took it to identify the hand writing. Next day, at Terre Haute Mr. Chapman stated under oath, that he, had written to Indianapolis that Mr. Bolton's name had been given up, and that he had distributed 2600 copies of that No. of the Enquirer. On arriving at home last Sunday night it being generally understood that Mr. Bolton, the author, was prepared with pistols, &c. to resist any attack upon him. On Monday morning Mr. T. A. Morris and myself being in

Morris and Brother's Store, were informed that Mr. Bolton was seen going into a barber's shop by John Morris. We instantly started over there, I opening the door of the barber's shop and holding on to the latch until T. A. Morris should step in. Mr. Bolton was sitting in the barber's chair, sprang from his chair and cried murder the moment Morris entered the door. Mr. Morris met him, I suppose about half way or a little over, and struck at Bolton with his stick, the force very light, the main force of the blow was lost hitting him with the stick near where he held it in his hand. The stick was by some means thrown from his hand, the door was closed and Messrs. John and Thos. Morris and myself were in, with no one else except Bolton and the Barber. Thos. Morris then commenced an attack with his fists. Mr. Bolton screaming and crying murder all the while and offered no resistance; after striking a great number of times, I pulled Mr. Morris off; thereupon the door was opened and Bolton fled across the street crying murder. No other person struck him but Thos. A. Morris. I stated that Thos. A. Morris was determined to give Bolton and Cain a drubbing that morning. I went along to see that all honorable means were used in doing it and that no deadly weapons should be used by either party. I was determined to break his arm rather than he should use any such. I did not see him have any such, during the attack on Mr. Bolton. I did not see John Morris have any weapon in the House or out of it. I was not aware of John Morris being in the shop or coming in until I saw him there. After Bolton went out Mr. Morris and Mr. Cain had a difficulty. While in the shop Morris was very much excited and exhausted; I picked up his cloak and hat, put them on him, we then came out, and Morris discovered Mr. Cain as he stepped out at the door, he drew his pistol, cocked it, and was about throwing his arm towards Mr. Cain, and several of us simultaneously knocked his arm up and his pistol went off. Mr. Cain started as I thought and ran—they were about 10 feet apart. Morris said there is that damned or God damned Cain, or damned rascal, I don't recollect exactly. The crowd became so great that I did not see what passed between them until I saw Morris strike him over his head with the same stick he had in the house, which was a part of a well seasoned axe handle, very light, it would not endanger the life of a person unless wielded with great force. He gave Mr. Cain one pretty severe blow on the head, and several others with but small force, which Cain warded off with his hands. Cain was knocked down, T. Morris got on top of him, presently both rose and T. Morris spoke to his brother that he was exhausted, and said take hold of him which John Morris did, and T. Morris immediately left and John Morris beat him severely with his fists, until Morris's friends, or persons standing by spoke to him and took hold of him. Cain was on his feet when John seized him.

Question by Mr. Cutter. Have you in your possession the letter written by Mr. Cain to the Editor of the Wabash Enquirer.

Answer. I have a part of it, and the following is a copy of what witness produces to the committee as the part of the letter he refers to:

"POST OFFICE. }
Indianapolis, January 17, 1840. }

Gentlemen: I send you a communication for your paper. of this place is the writer, let it be in confidence if you please. I requested him to write it, be good enough to let it appear in your next paper and send me 12 or 15 Nos. of———"

Witness says that blank was filled with the name "N. Bolton," as Mr. Chapman said, which had been obliterated. That from his knowledge of Mr. Cain's writing he believes it to be his.

(Hereupon the clerk was sworn by order of the committee, as such clerk, on the motion of Mr. Cutter.)

Question by Mr. Henley. What did you understand by the expression of Mr. Morris made to Mr. Chapman that he would hold him personally responsible if he did not give up the name of the author?

Answer. That he would inflict upon Mr. Chapman the punishment that he intended to inflict upon the author of the communication.

Question by Mr. Cutter. Did you take to the barber shop a cane and for what purpose was it taken?

Answer. I took it there to assist myself in preventing the use of arms by either party.

Question by Mr. Eccles. Did T. Morris take the axe handle with him to the barber shop?

Answer. Yes.

Question by Mr. Cutter. Do you consider it was a mob?

Answer. If two persons fighting makes a mob, it was a mob.

Question by Mr. Robinson. Were you present with Mr. T. Morris during the whole transaction, and do you consider his conduct in the whole affair that of an honorable man?

Answer. I do not consider that Mr. Morris did any thing in the affair to dishonor himself, I consider his conduct perfectly honorable and fair.

Question by Mr. Eccles. Were you consulted about the arrangement made by the two Morrisses to beat Bolton and Cain, and when was it made and where?

Answer. I was consulted about it on our return from Terre Haute; the matter was considered and in what way to inflict the chastisement. Understanding that Mr. Bolton was armed with pistols, &c. it was concluded that he had better attack him in the way he did.

Mr. Ballinger of Indianapolis sworn, testifies as follows:

On Monday morning last, I was going down street to breakfast; I was opposite a barber shop; I saw Thomas Morris and McDougal coming up street; I saw them go into the barber shop, (Turner's);

when they got in I heard the cry of murder; I ran across the way; went to the door; Mr. Patterson was there; asked him what was going on; he said Tom Morris was whipping Bolton, the author of something that was published in a paper about his sister. I stepped then to the window and saw Tom Morris striking him with his fist; I then stepped back to the door, in some little time, which was then open; Bolton was making for the door; Morris was hold of him; Bolton came out crying murder; he appeared to be somewhat bruised; his face was bloody; Tom Morris let go of him, and he ran across the way. Tom Morris stepped back inside of the barber shop; he came out with his hat and cloak on; as he came out he observed, there is that damned Cain; these were his words, I think, and that he would shoot him or blow his brains out, I don't recollect which. He put his hand into his pocket and drew his pistol; I at the same instant caught his hand and raised it into the air, and in the scuffle it was fired, don't know by whom. I then let go of him; he then went down the walk towards the corner, in pursuit of Cain, I followed after, and did not see Mr. Cain until they got to the corner; the first I saw of Cain he was picking up some papers that had fallen out of his hat; while he was in the act of picking them up, Tom Morris struck him with a club on the back of his head; he then clinched him, Cain was in the act of rising when he struck him; Cain was in the act of rising with him, and was about turning him, when he (Morris) exclaimed, he was out of wind or of breath. Then John Morris took hold of Cain. I took hold of Tom Morris and pulled him apart from Cain as soon as he said he was out of breath; then John Morris and Cain commenced fighting. I held Tom Morris until the other two were parted; this is all I know about it.

Question by Mr. Henley. Did you see any person holding the door when you was there?

Answer. Mr. Patterson was at the door, no one else as I recollect, and I don't know if he had hold of the latch or not; he might have had hold; I do not recollect of seeing Shoemaker or Sharp at the door during the affray; they might have been.

Jacob Smith, of Indianapolis, being sworn, testifies as follows:

My shop is next to the barber's shop mentioned; I was sweeping out my shop in the morning. I heard Mr. Ballinger's testimony, and concur with him in his testimony. I saw and heard about what he states to have heard and seen.

WEDNESDAY, February 5, 1840.

The committee met pursuant to adjournment.

Present.—Mr. Henley, chairman; Messrs. Eccles, Robinson and Cutter.

Question by Mr. Henley. Do you know that Mr. Morris or any person in the company had any weapons upon their persons at the interview at Terre Haute with Mr. Chapman? (This question was objected to by Mr. Robinson and Mr. Cutter, who on conversation thereupon receded from their objection.)

In answer to this question I can say that Morris had one pistol and McDougal had two; but that it was expressly understood and frequently remarked, that no weapon was to be resorted to but in self defence. It was thought that we might be attacked either in Terre Haute or on our way home, and Morris and McDougal prepared for such an event. There was no exhibition of any weapon to Chapman excepting the cane referred to in statement above.

Hugh O'Neal, of Indianapolis, sworn, says that he saw nothing of the affair at this place, only he saw Mr. Cain on the ground, bloody. He handed to the committee the following written statement:

On Wednesday evening, the 29th January last, capt. T. A. Morris called at my office, in Indianapolis, and informed me that he was going that night in the Stage to Terre Haute; and that the object of his intended visit was to demand of the Editor of the Wabash Enquirer, the name of the author of the communication referred to in Mr. McDougal's testimony. I had examined the communication, and believed that Morris had been assailed in it, in a manner that demanded immediate redress; and being his personal friend, I tendered my company and services in the accomplishment of his design. They were accepted, and in company with Mr. McDougal we proceeded on our way. On Friday evening, the 31st, about 6 o'clock we arrived at the Prairie House in Terre Haute, and sent a boy in search of Mr. Jackson, an acquaintance of ours, to point out the office of the Enquirer, we being unacquainted with its location. Mr. Jackson soon appeared, and we were ready in a moment to proceed in quest of Mr. Chapman, the Editor. At this point I remarked it must be distinctly understood that Jackson was to guide us to the intended place, but do no more; and that no man should in any event touch Chapman in case he refused to name the author, but Morris alone: That McDougal and myself would take such position as to prevent any interference on part of the hands in the office; and that thus Morris might deal with Chapman without interruption, man to man. These suggestions were made under the apprehension that some of us might, under excitement, improperly interfere. Morris said that the arrangement accorded with his wishes, and it was concurred in by all. We arrived at the office about 7 o'clock, and Mr. Jackson introduced Morris formally to the Editor. Morris demanded of Chapman the author's name, of the communication above alluded to. Chapman, in reply, observed, that he would give the name willingly if, on consultation, the author should consent. Morris contended that the matter as to where responsibility should rest ought to have been settled before the publication was made; and that if Chapman refused to give the name then, he would hold him personally responsible at that moment. Chap-

man attempted to argue in favor of the rights of Editors, but Morris informed him that the case admitted of no argument; and that the name must be given or the consequences of a refusal should be felt without another moment of delay. Chapman, in something of a hurry, remarked that he had the manuscript, and assisted by Morris took it from the file, expressing a hope that it might afford sufficient light. On examination we found on a part of the closing sheet, a part of a letter from John Cain Post Master, at this place, at least from an acquaintance with his hand writing, I believed it to be his. This letter has been embodied in Mr. McDougal's testimony, and I have only to add in reference to it, that the blank as embodied was filled originally with the words "Mr. N. Bolton." Before we saw it these words had been partially obliterated by the Editor; yet they were, on inspection, discernible. The paper has been much mutilated since I first saw it. Morris said that he was glad to get the manuscript and would keep it, to which Chapman agreed, on condition that he should be furnished with a copy. Morris remarked, that the manuscript was not satisfactory as it disclosed no name, (we had not inspected it at that time closely;) Chapman replied that he could not give the name without consultation. Morris threw off his cloak, and raised a small cane over Chapman's head; and the latter gentleman wrote the name of "Nathaniel Bolton," or "N. Bolton," in great haste, handing it to Morris, and muttering at the same time something about being compelled to violate confidence. Mr. McDougal was asked by some members of the committee what Morris meant by saying he would hold Chapman responsible. I speak with confidence when I say that Morris intended to give him a sound thrashing; and so Mr. Chapman inferred, judging from his prompt action, when the cane was elevated above his head. The cane was the only weapon, offensive or defensive, exhibited on the occasion. It may be well to add, that there were, as I believe, two journeymen, and two boys in the office. Jackson was sitting by the stove some fifteen feet distant; and McDougal and myself were standing some six or eight feet from Morris and Chapman during this scene. My left arm had been much injured and I otherwise severely hurt by a fall from the Stage, on the previous day; so McDougal was the only man amongst us who could have kept off interference.

I witnessed nothing that occurred here on Monday morning between Bolton and Cain; and T. A. and John Morris. I arrived on the ground just as the affair was over.

HUGH O'NEAL.

G. W. Stipp of Indianapolis, having been duly sworn, handed to the committee the following statement; to that part of which that relates to the opinion of the witness relative to the honorable and justifiable conduct of the persons engaged in the attack on Mr. Bolton and Capt. Cain, Mr. Henley objects, as improper testimony to be received, which objection was over ruled by the committee.

Geo. W. Stipp, who being duly sworn deposeth and says, that he

was informed that Thomas A. Morris, John McDougal and Hugh O'Neal, esqrs. had gone to Terre Haute for the purpose of getting the name of the author of a certain slanderous and libelous publication that appeared in the Wabash Enquirer of the 22d ultimo, and dated Indianapolis, 17th January, 1840. This was about the 31st of January last. On Sunday last, in a conversation with a friend of mine, and a supporter of the present administration, I was informed that Mr. N. Bolton, the assistant clerk of the House, was the author, and, that it was supposed by some persons with whom he had been conversing, that the Honorable Amos Lane was the procurer and instigator of the publication, if not the author; that N. Bolton voluntarily wrote it and procured its publication. I did not for one moment believe, and was fully certain, that if the name of Bolton was given up as the author, that he would suffer for the sins and malice of others. On Monday morning last, after an early breakfast I left my house for my office, which is near to Washington street, and full in view of the late battle ground, and as it was usual with me, went into the Store of Messrs. Morris and Brothers for fire to take to my office. I then met J. D. Morris at the front door and passed him, and went into the counting-room, where I saw capt. Thomas A. Morris, John McDougal, and lawyer O'Neal, all of whom I bid good morning, and told them I was glad to see the "lost children," at home again, at which they appeared to be pleased. I immediately asked capt. Morris if they had succeeded in finding out the name of the blackguard who wrote the communication above referred to. He, capt. Morris replied they had. I asked who it was, if it was not a secret; to which he (T. A. Morris) replied it was no secret and that it was Nat Bolton. I asked him what he intended to do, he replied, whip him the first time he met him, and thought it would be soon, as he had gone to his breakfast, and would return that way soon. After this conversation I left the Store and went to the office with fire to kindle the wood in my Stove. After making on my fire I started to return the shovel to the Store of Messrs. Morris and Brothers, when I saw Thos. A. Morris and John McDougal walking tolerably fast towards a barber shop near Mrs. Noland's boarding house, and presently enter. Immediately on their entering I heard one of the most pitiful howls or cries of murder that the human voice could give. I immediately hurried to the spot and just before I got there, Mr. J. D. Morris went into the barber shop, the cries of murder continuing all the time. I went immediately to the window and looked in, and then I first saw Mr. McDougal standing with his back against the back door, and Thomas A. Morris was striking Bolton with his fist about the head and face, Bolton moving round the room about half bent with his hands about his head, and as I thought, to protect his face. Mr. Bolton ran up against the walls and windows, and butted some of the glass-ware off the shelves, and some of the lights of glass out of the windows. When I got to the shop Mr. E. M. Patterson was holding the front door from the outside. In a few seconds many persons came running up, and enquired what was going on in the shop? and among them was Capt. John Cain,

who inquired of me, "what the devil was the matter?" to which I replied, it is Thomas Morris whipping Bolton. At this time I was looking in at the broken window, and saw John McDougal take hold of capt. Morris, and pull him away from Bolton, the front door was immediately opened, out of which rushed N. Bolton, his face bloody, and his coat, vest, and hat off, crying as he had been all the time, murder, and running until he arrived at Jordan's Tavern.

As soon as Bolton passed through the door, it was shut, and remained so for a few seconds, when it was again opened, and Thomas A. Morris appeared at the door. On his first discovering capt. Cain, he exclaimed "there's that damned rascal, Cain, I'll blow his brains out," and immediately drew a pistol from his bosom or breast pocket, and was in the act of cocking it, when John McDougal caught his arm near the elbow, and William Ballinger caught hold of his hand. I immediately took hold of capt. Cain, and urged him to clear out, and not stand there and have his brains blown out; at which he replied, "let him shoot and be damned." At this, I took hold of his arm and made a surge at him, and got him under headway towards the post office, and continued until I had got him some forty or fifty feet from the shop, when his hat fell off, and some papers fell out of it; at this, he began to kick and plunge until I let him go. I advised him to run or he would get himself whipped or beat, which he swore he'd "be damned if he would." About half way from the shop to the place where we stopped, I heard the pistol go off. I had hardly left captain Cain, and while he was stooping, as I think, for his hat, and papers, capt. Morris rushed up and struck him on the back of the head with a short stick which I took to be about 20 inches long, which brought the blood freely, and put the captain to the ground. Capt. Morris then hit him about the shoulders with the stick which I think flew out of his hands; then he struck with his fist. Capt. Morris was much exhausted and nearly out of breath at the time he attacked Cain, and the blows with the stick were not given with much force. About this time W. Ballinger took hold of Capt. Morris and pulled him away, at which he called on John Morris to whip the d——d rascal, for he was exhausted," which he immediately commenced by striking capt. Cain in the face, a very hard blow with his fist, which knocked Cain round and partly over, when Morris caught him by the back of the neck, and struck him several hard blows somewhere in the neighborhood of his face or in it. About this time captain Cain called out on Mr. Parry for help, who stood near. About this time some persons took hold of J. Morris and pulled him off. Cain had the appearance of being severely whipped, and bleeding freely, and was very bloody and dirty from being on the ground. I saw no weapons in the hands of any of the parties except Thos. A. Morris, who had a pistol and stick. I saw no two persons striking or fighting captain Cain at the same time. I saw no foul or unfair means used by either of the parties before, at the time, or after the fight. It was as honorably done, as is the custom on those occasions, and such as I believe are justifiable,

when one gentleman thinks another has insulted him in a secret, wanton, and cowardly manner, and such as I would feel it my duty and privilege to use.

G. W. STIPP.

Statement of Nathaniel Bolton, in relation to an attack made upon him by Thomas A. Morris, John Morris and John McDougal:

The undersigned, on the morning of Monday the third of February, A. D. 1840, just before the hour of breakfast, proceeded to the barber shop, adjoining Mr. Sulgrove's saddler shop on Washington street, in the town of Indianapolis.

I had been apprised, by a letter from Terre-Haute, that an attack or menace had been made on Mr. Chapman, editor of the Wabash Enquirer, and my name had been given up as the author of a letter written for that paper. My friends advised me to arm myself, against the return of these individuals, and I did procure a pistol for that purpose; but not apprehending an attack in the barber shop, I had not loaded the pistol. But this barber shop being peculiarly situated, being below the pavement, was well adapted for their fiendish purpose. Col. Tuley of the Senate, was in the shop when I entered, in the act of being shaved, which detained me longer than I expected. When he was through, he went out of the shop, and I took my seat in the barber's chair. The barber was about proceeding to the operation of shaving, when the three above mentioned individuals entered, almost simultaneously and made their attack. The blows of Thomas A. Morris were but slightly felt; but his brother John Morris, having in his hand a club resembling the but end of an axe handle, gave me two blows, if not more, which nearly brought me to the floor. I attempted to get out at the door, but was prevented by John Morris and John McDougal. Mr. McDougal, after John Morris had given me the blows, in my attempts to get out at the door, prevented me from receiving further injury from the club or pistol of John Morris, as at the time, from some expressions of McDougal, I supposed John Morris intended to shoot me, and McDougal, knowing that such an act would be deliberate and wilful murder, caused him to desist. I consider McDougal to be led into this attack, from attributing motives in me, in relation to the females referred to in the Terre-Haute communication, foreign to my purpose. I only introduced the ladies, in order to bring forcibly to view the conduct of T. A. Morris, in relation to the Florida war. I am led to believe, but for the intervention of John McDougal, I should have been very seriously injured, if not murdered, by John Morris. The blows of T. A. Morris, could have done me but little injury. John Morris, you will perceive, is a young man of apparently great muscular powers. The first persons I perceived at the door were Elliot and I believe, Samuel Patterson, merchants of this place, who from the post they occupied, and their feelings in relation to the Morrisses and myself, I believe were acting

in concert, to prevent any of my friends from breaking into the room. The Morris family and myself have been political enemies for the last seventeen or eighteen years. As an editor of a paper I have always opposed their political promotion from the father down to his sons. The reference I made to the Florida war was sustained, in my mind, as correct, by a personal communication made to me by Col. Kinnard, in his life time, detailing to me, as a personal friend, the part he (Col. Kinnard) acted in obtaining from the Secretary of war, a permission for Thomas A. Morris to resign his commission when ordered into the Florida service.

The exceptionable part of the article, in the Terre-Haute paper, so far as the ladies of Indianapolis are concerned, is in the words following, to wit:

"The carriages, music, banners, &c. &c., were yesterday morning paraded on the streets, and the grand show, for more than two hours, marched up and down the town. Our Whig merchants and bankers had their wives and daughters stationed at their store doors and windows, waving white and red handkerchiefs. It reminded every plain Democrat present, of a mimic representation of the coronation of Queen Victoria, on her ascending the throne of England. And yet Gen. Harrison is held up as the poor man's candidate. * * *

"After the procession of men was through, and proceeded to business, the carriages were occupied by some of the would-be-aristocratic ladies of the place, [assimilating the said ladies, as clearly as the English language can make it, to the aristocratic ladies who but recently attended the Coronation of Victoria—not slandering them, unless it be *slander* to place them in such high company.] A somewhat celebrated whig of Indianapolis, who was educated at West Point, and who received a commission in the U. S. Army, but who has been receiving \$1500 per annum for the last three or four years as a State officer, (appointed by David Burr the great whig defaulter of the State.) placed in the hands of his sister, if I have been informed aright, the sword which he wore in the U. S. Army, which she waved in gallant style from one of the carriages. But what is the history of that sword! when our gallant soldiers were spilling their blood in Floridasome years since, a son of the persecuted Amos Lane, was the first to solicit permission to march to the tented field. Many a son of Indiana recollects the burning ardor and great intellect of this gallant youth. He, too, was a graduate of West Point. He marched to the fields of Florida, and there, after gaining imperishable honors, he fell a victim in his early youth, to the service of his country. But the sword I have mentioned, when its wearer was summoned to the same field, silently resigned his commission, and, through the intervention of powerful friends, the War department received it; and *this* brave youth, whose sword was waved so gallantly, on the 16th, by an aristocratic sister, was chosen by defaulter Burr to an office of State to the tune of \$1500 per year. Poor fellow, how hard it would be for this youth to lose his office!"

I make this extract, which is the whole of the article applying either

to Thomas A. Morris, or the ladies of Indianapolis, a part of my statement, having no wish to shield myself from any censure my conduct merits, at least so far as the ladies are concerned. And I now declare, as I wish to be saved hereafter, that I intended no disrespect to the ladies.

In relation to the term "would-be-aristocratic," applied to the ladies, I must beg leave to make one further extract, as evidence, applicable to this subject.—Speaking of those who addressed the Convention, the *Terre-Haute* letter remarks:

"Poor old General Harrison was the burthen of the cry from the lordly gentry. Now, if ever there was a farce got up in ridicule of honest poverty, this was one. They not only claimed the right of Gen. Harrison to the Presidency in consequence of the services of his father; but they would thereby establish the precedent, so eagerly sought after by the aristocrats of our land, that the sons of the rich and powerful should have peculiar privileges, which identifies these men, in their present views and feelings, directly, with the opinions and actions of Alexander Hamilton, the great founder of federal aristocratic principles in the United States. Will the Democrats of Indiana be gulled by these glittering shows? No never! is the loud response from every Democratic bosom."

My language in this extract, may seem strong to my Whig friends—but thrown, in early infancy, as an orphan on the world, whatever character or fame I have gained, has been derived from the free and unequalled institutions of my country. Besides, now, unlike my assailants, I have no rich, powerful and influential relations, to take my part. But the free institutions of my country have thus far sustained me, no doubt beyond my deserts, and in them I still have confidence.

NATHANIEL BOLTON.

On motion,

Ordered, That the committee adjourn until 6 o'clock to-morrow evening.

Doctor Thompson, of the House of Representatives, handed to the clerk, on Thursday morning, in pursuance of previous arrangement with the committee, the following written statement:

He states that he boards in the family of Morris Morris, father of T. A. and J. Morris; that he was present when the article contained in the *Wabash Enquirer*, and referred to in the testimony of John McDougal, was first observed by the family of Mr. Morris. T. A. Morris was at that time absent on business. The appearance of the article above alluded to, was the source of very unpleasant feelings to the family, the more, as they stated, on account of T. A. Morris's having resigned his post in the army, at the often repeated parental appeals to his sympathies, to which he had, with great reluctance, yielded. When T. A. Morris returned home, on seeing the article in the *Wabash Enquirer*, he determined to repair immediately to *Terre Haute*, for the purpose of ascertaining the author of said communi-

ention. His father used all the arguments in his power to prevail on him to pay no attention to it—but pass it by in silence, as he said, that it was no doubt the act of some pitiful scoundrels, too contemptible to be noticed by any gentleman. T. A. Morris, however, determined to pursue a different course, and started that night for Terre Haute. On his return, on Sunday night, he showed me the manuscript of the article alluded to, which had been given up by the Editor, with the name of N. Bolton, and a part of a letter dated, Post office, Indianapolis, 17th Jan. 1840, in which the writer stated, that the enclosed manuscript had been written at his request—requested an early insertion—secrecy—and extra copies. This was said to be the handwriting of John Cain, P. M. of this place. I asked him, T. A. Morris, what course he intended to pursue? to which he replied, that he intended to flog them both the first time that he could meet them. His father pled with him to treat them with contempt, as any further notice of them would result in no good. Thomas replied that he had been persuaded by him for years past, to pass by similar insults from the same individuals, that he could stand it no longer; and on that occasion he should exercise his own judgment, and that his course was determined. John Morris begged of Thomas to let him have the privilege of flogging Cain, to which Thomas replied that it was him and his sister that had received the insult, and that he would redress his own wrongs with his own hands. After much persuasion he agreed to let Bolton pass, at least for the time being—after which he went to his office, accompanied by his brother. John. On the next morning between seven and eight o'clock, I was passing up Washington Street and saw Thomas A. Morris, accompanied by John Morris, and John McDougal, walking hastily towards the barber's shop, near Crowder's grocery, which they entered. I immediately heard the cry of murder, ran to the window, through which I distinctly saw T. A. Morris striking N. Bolton with his fists, sometimes on the back of the head, and sometimes on the hips. Bolton dodged pretty well, and cried murder every blow. I thought at the time that Bolton would hurt himself worse than Morris would hurt him, as he frequently struck his head against the wall when dodging from the blows of Morris. I also saw John McDougal holding John Morris on the opposite side of the room. I saw no one touch Mr. Bolton except T. A. Morris. After sometime McDougal said to T. A. Morris that he had enough, at which time the door was opened, and Bolton ran across the street, and crawled up the steps of Mr. Jordan's Tavern. Soon after the escape of B., Thos. A. Morris came out of the Barber's shop with his hat and cloak on—as he stepped upon the side walk he said—there is the d—d rascal, Cain, and I'll shoot him; or words to that effect—and drew a pistol from his pocket; his arm was caught by Mr. Ballinger or McDougal, one or both, and the contents of the pistol discharged in the air.

Morris immediately pursued Cain, who was pulled or pushed by Dr. Stipp, near the corner of Crowder's grocery, at which place he overtook him, and struck him on the back of the head with a piece of

an axe handle, which I think flew out of his hand the first blow—at this time my view was, for a moment, obstructed by the crowd. I however, a moment afterwards, saw *Cain* on the flat of his back and, Morris with his knees on his breast, *striking* him in the face with his fist; Cain turned and rose up; and as he rose up, some person, I think it was Mr. Ballinger, pulled Morris away, at which time, he, Morris, said he was out of breath, and told John Morris to take hold of Cain, that he had not half enough. As John Morris came up, Cain either struck or grabbed at him. He, Morris, returned the blows thick and fast, until he was taken away by some one present. I saw no one touch Cain, except the two Morrises, and they encountered him separately. In conclusion, I have no doubt, that the whole transaction was occasioned by the article written by Mr. Bolton, at the request of Mr. Cain; which, if noticed at all, was noticed in the proper manner. I did not see any dishonorable conduct on the part of any one present during the whole affair.

Mr. Bolton examined.

Question by Mr. Cutter.—Do you know that Mr. Cain sent the communication alluded to, and which was written by you, and published in the *Terre Haute Enquirer*, by mail, under his frank?

Answer.—I do not.

Question by Mr. Cutter.—Did Mr. Cain know of the matter of that communication or article?

Answer.—Yes, he had read it: It was my understanding that Mr. Cain was to send it to Mr. Chapman for publication.

On motion,

The committee was discharged from the further consideration of the subject.

Mr. Jenckes introduced

No. 291, a joint resolution relative to the publication of the reports of the Auditor and Treasurer of State, with the general acts of the General Assembly;

Which was read a first and second times, the rule being suspended, and ordered to be engrossed for a third reading.

Mr. Thompson made the following report:

MR. SPEAKER—

The select committee to whom was referred an engrossed bill of the Senate, No. 118, have had the same under consideration, and have directed me to report the following amendment, in which they ask the concurrence of the House.

The amendment was concurred in, and the bill passed to a third reading.

Mr. Milroy introduced

No. 292, a bill to amend an act entitled "an act to incorporate the Mayor and Common Council of the town of Delphi;"

Which was read a first and second times; when

Mr. Herriman moved to commit the bill to the committee on corporations;

Which motion was decided in the negative.

The bill was then read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Osborn of C. introduced

No. 293, a bill relative to the Clay county Seminary,

Which was read a first and second times, the rule being suspended, and committed to the committee on corporations.

Mr. Buckles introduced

No. 294, a bill to provide for the summoning and empanneling jurors in the county of Delaware;

Which was read a first and second times, the rule being suspended, and ordered to be engrossed for a third reading.

Mr. Porter introduced

No. 295, a bill to amend an act entitled "an act to prohibit the circulation of bank notes of a denomination less than five dollars," approved February 2d, 1832;

Which was read a first time; when

Mr. McGaughey moved to reject said bill,

And the ayes and noes being requested thereon.

Those who voted in the affirmative were:

Messrs. Atherton, Baker, Beckett, Bell, Burke, Butler, Carleton of F., Cooper, Cox, Cutter, Everts, Finch, Flint, Jackson, Jamison, Jenckes, Lancaster, McGaughey, Montgomery, Morgan, O'Neill, Parker, Robinson of J., Robinson of Ripley, Rush, Spann, Thompson, Wilson of M., and Zenor—29.

Those who voted in the negative were:

Messrs. Allison, Arnold, Berkshire, Bowles, Buckles, Campbell, Carlton of L., Coats, Cogswell, Conaway, Davis, Dunn, Eccles, Edmonson, English, Farley, Fisher, Fitch, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamer, Hamblen, Henley, Herriman, Hull, Hunt of J., Hunt of R., Johnson, Lanius, Lee, McCormack, McCoy, Miller, Milroy, Monroe, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of F., Osborn of U., Perry, Perviance, Porter, Rippey, Robinson of Rush, Sands, Southard, Stewart, Sweetser, Warriner, Wheeler, White, Wilson of W., Woodard, Worster, and Mr. Speaker—62.

So said bill was not rejected.

The bill was then read a second time, the rule being suspended; when

Mr. Sweetser moved that it be referred to the committee on the State Bank;

Which motion was decided in the affirmative.

Mr. Bell introduced

No. 296, a bill to carry into effect part of an act entitled "an act to establish certain state roads therein named, and for other purposes," approved February 17th, 1838;

Which was read a first time and passed to a second reading.

Mr. Cogswell introduced

No. 297, a bill to incorporate the Hamilton Guards,

Which was read a first and second times, the rule being dispensed with; and

On motion,

Said bill was referred to the committee on corporations.

Mr. Shively introduced

No. 298, a bill to amend an act entitled "an act attaching certain territory to the counties therein named," approved Feb. 16th, 1839;

Which was read a first and second times, and ordered to be engrossed for a third reading.

Mr. Warriner introduced

No. 299, a bill to amend the act entitled "an act regulating the practice in suits at law," approved January 29th, 1831;

Which was read a first and second times, the rule being suspended, and referred to the judiciary committee.

Mr. White introduced

No. 300, a bill to repeal an act entitled "an act to incorporate the mayor and common council of the town of Lafayette," approved February 6, 1837;

Which was read three several times, and passed, the rule being suspended.

Ordered, That the clerk inform the Senate thereof.

Mr. Thompson moved to take from the table, the bills reported by the committee on agriculture, and place them in the orders of the day;

Which motion was decided in the affirmative.

On motion of Mr. Bowles,

Resolved, That the committee on roads, be instructed to inquire into the expediency of declaring that portion of the Vincennes and New Albany State road vacated, that lies between New Albany and Paoli.

No. 261, a bill to change the name of the town of Paris, in Lawrence county, to that of Bryantsville, was read a second time, and ordered to be engrossed for a third reading.

No. 267, a bill for the relief of John Longacre, was read a second time; when

Mr. Nelson of B., moved to lay the bill upon the table;

Which motion was decided in the negative.

The bill was then ordered to be engrossed for a third reading.

No. 272, a bill relative to the duty of Auditor of public accounts;

Which was read a second time; when

Mr. Fitch moved to lay the bill upon the table;

Which motion was decided in the affirmative.

No. 288, a bill to vacate a certain state road in the county of St. Joseph, was read a second time, and ordered to be engrossed for a third reading.

No. 242, a bill to amend an act entitled "an act for the incorporation of Agricultural Societies," approved February 19th, 1838, was read a second time; when

Mr. Miller moved to amend said bill, by striking out the appropriation from the State Treasury.

Mr. Moore of O. moved that the bill be laid upon the table;

Which motion was decided in the negative.

A message from the Governor by Mr. Moore, his private, Secretary:

MR. SPEAKER—

I am directed by the Governor to inform the House of Representatives that he has this day approved and signed an act entitled "an act for attaching Carroll county to the eighth judicial circuit, and for other purposes;"

Which originated in the House of Representatives.

On motion,

The House adjourned until two o'clock, P. M.

Two o'clock, P. M.

The House met pursuant to adjournment.

On motion of Mr. Parker,

The vote on concurring in the amendment of the Senate, to bill No. 12 of the House, relative to circuit courts was reconsidered; when

On motion of Mr. Parker,

Said bill was laid upon the table.

The House now again resumed the consideration of bill of the House No. 242, on the subject of Agricultural Societies—the pending question being, on striking out the appropriation from the State Treasury.

Mr. Parker moved to recommit the bill to a select committee, with instructions to substitute, instead of the sum to be paid out of the State Treasury, an issue of certificates by the Governor, under the seal of the State.

Mr. Henley moved that the bill be laid upon the table,

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Arnold, Beckett, Bowles, Buckles, Carleton of F., Carlton of L., Clark, Davis, Dunn, Edmonson, English, Farley, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamblen, Henley, Johnson, Lee, McCormack, McCoy, Miller, Monroe, Moore of O., Moore of V., Nelson of M., Osborn of U., Perry, Robinson of Rush, Shiveley, Stewart, White, Wilson of W. and Mr. Speaker—36.

Those who voted in the negative were:

Messrs. Albertson, Allison, Atherton, Baker, Bell, Berkshire, Burke, Butler, Coats, Conaway, Cooper, Cox, Cutter, Eccles, Everts, Finch, Fisher, Fitch, Flint, Hamer, Herriman, Hull, Hunt of J., Hunt of R., Jackson, Jamison, Jenckes, Judah, Lancaster, Lanius, Long, McGaughey, Milroy, Montgomery, Morgan, Morrison, Nelson of B., O'Neill, Osborn of C., Osborn of F., Parker, Perviance, Porter, Rippey, Robinson of J., Robinson of Ripley, Rush, Sands, Spann, Thompson, Warriner, Wheeler, Wilson of M., Woodard, White, and Zenor—60.]

So said bill was not laid upon the table.

The question recurring on recommitting the bill to a select committee, with instructions,

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Allison, Arnold, Baker, Beckett, Bell, Berkshire, Bowles, Buckles, Butler, Campbell, Carleton of F., Carlton of L., Clark, Cox, Dunn, Eccles, Everts, Farley, Flint, Frisbie, Johnson, Long, McCormack, McGaughey, Milroy, Monroe, Montgomery, Moore of O., Moore of V., Morrison, Nelson of M., O'Neill, Osborn of C., Parker, Perry, Porter, Robinson of Rush, Rush, Shiveley, Southard, Stewart, Warriner, White, Wilson of W., and Woodard—45.

Those who voted in the negative were:

Messrs. Albertson, Atherton, Burke, Coats, Conaway, Cooper, Cutter, Davis, Edmonson, Finch, Fisher, Fitch, Foster, Garrigus, Gardner, Haddon, Hamer, Hamblen, Henley, Herriman, Hull, Hunt of J., Hunt of R., Jackson, Jamison, Jenckes, Judah, Lancaster, Lanius, Lee, McCoy, Miller, Morgan, Nelson of B., Osborn of F., Osborn of U., Perviance, Rippey, Robinson of J., Robinson of Ripley, Sands, Spann, Thompson, Wheeler, Wilson of M., Worster, Zenor and Mr. Speaker—48.

So said bill was not recommitted.

Mr. Moore moved that the bill be indefinitely postponed, and

The ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Arnold, Baker, Beckett, Bowles, Buckles, Carleton of F., Carlton of L., Clark, Davis, Dunn, Edmonson, English, Farley, Fisher, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamblen, Henley, Johnson, Lee, McCoy, McCormack, Miller, Monroe, Moore of O., Moore of V., Nelson of M., Osborn of F., Osborn of U., Perry, Robinson of Rush, Shiveley, Spann, Stewart, White, Wilson of W., and Mr. Speaker—39.

Those who voted in the negative were:

Messrs. Albertson, Allison, Atherton, Bell, Berkshire, Burke, Butler, Coats, Cogswell, Conaway, Cooper, Cox, Cutter, Eccles, Everts, Finch, Fitch, Flint, Hamer, Herriman, Hull, Hunt of J., Hunt of R., Jackson, Jamison, Jenckes, Judah, Lancaster, Lanius, Long, Milroy, Montgomery, Morgan, Nelson of B., O'Neill, Osborn of C., Parker, Perviance, Porter, Rippey, Robinson of J., Robinson of Ripley, Rush, Sands, Southard, Thompson, Warriner, Wheeler, Wilson of M., Woodard, Worster, and Zenor—51.

So said bill was not indefinitely postponed.

The question recurring on the amendment, striking out so much as relates to an appropriation out of the State Treasury,

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Arnold, Baker, Beckett, Bowles, Buckles, Carleton of F., Carlton of L., Clark, Cogswell, Davis, Dunn, Eccles, Edmonson, English, Everts, Farley, Fisher, Foster, Frisbie, Garrigus, Gardner, Hamblen, Henley, Johnson, Lee, Long, McCormack, McCoy, Miller, Milroy, Monroe, Moore of O., Moore of V., Nelson of M., Osborn of F., Osborn of U., Perry, Robinson of Rush, Shiveley, Spann, Stewart, White, Wilson of W., and Mr. Speaker—44.

Those who voted in the negative were:

Messrs. Albertson, Allison, Atherton, Bell, Berkshire, Burke, Butler, Coats, Conaway, Cooper, Cox, Finch, Fitch, Flint, Hamer, Herriman, Hull, Hunt of J., Hunt of R., Jackson, Jamison, Jenckes, Judah, Lancaster, Lanius, Montgomery, Morgan, Nelson of B., O'Neill, Osborn of C., Parker, Perviance, Porter, Rippey, Robinson of J., Robinson of Ripley, Rush, Sands, Southard, Thompson, Warriner, Wheeler, Wilson of M., Woodard, Worster, and Zenor—49.

So said amendment was not adopted.

On the question, Shall the bill be engrossed for a third reading?

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Allison, Arnold, Atherton, Bell, Berkshire, Burke, Butler, Coats, Cogswell, Conaway, Cooper, Cox, Cutter, Everts, Finch, Fitch, Flint, Hamer, Herriman, Hull, Hunt of J., Hunt of R., Jackson, Jamison, Jenckes, Judah, Lancaster, Lanius, Milroy, Montgomery, Morgan, Nelson of B., O'Neill, Parker, Perviance, Porter, Rippey, Robinson of J., Robinson of Ripley, Rush, Sands, Southard, Thompson, Warriner, Wheeler, Wilson of M., Woodward, Worster, and Zenor—50.

Those who voted in the negative were:

Messrs. Baker, Beckett, Bowles, Buckles, Campbell, Carleton of F., Carlton of L., Clark, Davis, Dunn, Eccles, Edmonson, English, Farley, Fisher, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamblen, Henley, Johnson, Lee, Long, McCormack, McCoy, Miller, Monroe, Moore of O., Moore of V., Morrison, Nelson of M., Osborn of C., Osborn of F., Osborn of U., Perry, Robinson of Rush, Shiveley, Spann, Stewart, Sweetser, White, Wilson of W., and Mr. Speaker—42.

So said bill was ordered to be engrossed for a third reading.

Mr. Osborn of F. made the following report:

MR. SPEAKER—

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bills of the House, to wit:

No. 75, an act for the immediate relief of contractors and others engaged on the public works.

No. 42, of the Senate, an act incorporating the Orange Guards;

No. 46, an act to incorporate the Bartholomew County Silk Company, and find the same truly enrolled; whereupon,

The Speaker signed the same.

Ordered. That the clerk take the same to the Senate for the signature of their President.

Mr. Morrison made the following report:

MR. SPEAKER—

The committee on enrolled bills report, that they have compared the engrossed with the enrolled bills of the following titles, viz:

No. 279, bill of the House, an act for attaching Carroll county to the eighth judicial circuit, and for other purposes.

No. 156, an act to incorporate the Fort Harrison Guards; and find the same truly enrolled; whereupon,

The Speaker signed said bills.

Ordered, That the clerk carry them to the Senate for the signature of their President.

Mr. Osborn of F. made the following report:

MR. SPEAKER—

The joint committee on enrolled bills report that they did this day present to his excellency the Governor for his approval and signature the following entitled acts of the House, to wit:

No. 156, "an act to incorporate the Fort Harrison Guards."

No. 75, "an act for the immediate relief of contractors and others engaged on the public works."

Mr. Morrison made the following report:

MR. SPEAKER—

The joint committee on enrolled bills report that they have this day presented to the Governor for his approval and signature the following enrolled bill of the House.

No. 279, an act for attaching Carroll county to the eighth judicial circuit, and for other purposes.

On motion,

The House adjourned until to-morrow morning at nine o'clock.

SATURDAY MORNING, FEBRUARY 8, 1840.

House met pursuant to adjournment.

The Speaker laid before the House, a report from the State Board of Internal Improvement, in relation to the amount of money set apart for contingencies on the different works, since 1838, and how that money has been paid out, &c.

On motion,

One hundred copies were ordered to be printed.

The Speaker laid before the House, the report of Milton Stapp,

Fund Commissioner of this State, in reference to the eastern debts due the State, &c.

On motion,

Five hundred copies were ordered to be printed.

Mr. Edmonston presented the remonstrance of sundry citizens of Dubois county, against the passage of a law, prohibiting the retailing of spiritous liquors in said county;

Which was referred to the committee of ways and means.

Mr. Cogswell presented the petition of Abraham Nicholson and others, praying an alteration in the law regulating the jurisdiction and duties of Justices of the Peace;

Which was referred to a select committee of Messrs. Cogswell, Johnson and Nelson of B.

Mr. Shiveley presented the petition of David B. Allen and others, praying for the repeal of an act, passed at the present session of the General Assembly, authorising Thomas Goudy, senior, of Miami county, to build a mill-dam across Eel river in Wabash county;

Which was referred to a select committee of Messrs. Shiveley, Osborn of U., and Perviance.

Mr. Henley presented the memorial of Samuel H. Patterson and Benjamin Hensley, praying relief;

Which was referred to the committee on the State prison.

Mr. Finch made the following report:

MR. SPEAKER—

The judiciary committee have had under their consideration the petitions of sundry citizens of this State, on the subject of amending the law concerning general elections; and conceiving the principles advocated in the petition those which should obtain in all free governments; have directed me report the following bill:

No. 301, a bill to amend an act entitled "an act to regulate general elections;"

Which was read a first time; when,

Mr. Cutter moved to reject the bill.

And the ayes and noes being requested thereon, by Messrs. Finch and Jenckes,

Those who voted in the affirmative were:

Messrs. Albertson, Allison, Arnold, Baker, Beckett, Bell, Berkshire, Bowles, Buckles, Butler, Carleton of F., Carlton of L., Clark, Conaway, Cooper, Cutter, Davis, Eccles, Edmonson, English, Everts, Farley, Fisher, Garrigus, Haddon, Hamer, Hamblen, Henley, Herriman, Hull, Jackson, Johnson, Lancaster, Lanius, Lee, Long, McGaughey, Miller, Monroe, Moore of O., Moore of V., Morgan, Morrison, Nelson of B., Nelson of M., O'Neill, Osborn of C., Osborn of F., Osborn of U., Parker, Perry, Perviance, Porter, Rippey, Robinson of Rush,

Sands, Shiveley, Southard, Stewart, Wheeler, White, Wilson of W., Woodard, Worster, and Zenor—64.

Those who voted in the negative were:

Messrs. Atherton, Burke, Campbell, Coats, Cogswell, Cox, Dunn, Finch, Fitch, Flint, Frisbie, Gardner, Hunt of J., Hunt of R., Jamison, Jenckes, Judah, McCormack McCoy, Milroy, Montgomery, Robinson of J., Robinson of Ripley, Rush, Spann, Sweetser, Thompson, Warriner, and Wilson of M.—29.

So said bill was rejected.

Mr. Eccles made the following report:

MR. SPEAKER—

The judiciary committee to whom was referred, a bill of the House, No. 254, being an act to amend "an act regulating the practice in suits at law," approved January 29th, 1831, have had the same under their consideration, and have directed me to report, that it is inexpedient to legislate further on that subject, and return the same back to the House, and recommend its indefinite postponement, and ask to be discharged from the further consideration thereof.

The report was concurred in, and the bill indefinitely postponed.

Mr. Eccles made the following report:

MR. SPEAKER—

The judiciary committee to whom was referred an engrossed bill of the Senate, No. 23, being an act to amend an act concerning insane persons, approved January 22nd, 1818, have according to order had the same under consideration, and have directed me to report the same back to the House, without amendment, and recommend its passage, and ask to be discharged from the further consideration thereof.

The report was concurred in, and the bill passed to a third reading.

Mr. Finch made the following report:

MR. SPEAKER—

The judiciary committee to which was referred a resolution of this House, instructing them to enquire into the expediency of amending the law allowing and regulating the writ of ad quod damnum, so as to embrace in its provisions persons having built a dam and mill, as well as persons wishing to build, have according to order had the same under consideration, and have directed me to report the following bill:

No. 302, a bill to amend the act allowing and regulating the writ of *ad quod damnum*;

Which was read a first time and passed to a second reading.

Mr. Finch made the following report:

MR. SPEAKER—

The judiciary committee have considered a memorial and joint resolution, from the Senate, on the subject of the Cumberland road, and have directed me to report the same back without amendment, with their recommendation that it pass.

The report was concurred in, and the memorial and joint resolution ordered to a third reading.

Mr. Parker made the following report:

MR. SPEAKER—

The judiciary committee, according to order, have had under consideration, bill No. 260, of this House, entitled a bill "to amend an act for the prevention of frauds and perjuries," and have directed me to report the same back without any amendment, and recommended its passage.

The report was concurred in, and the bill ordered to be engrossed for a third reading.

Mr. Farley made the following report:

MR. SPEAKER—

The committee on claims, to whom was referred the petition of H. Bliss, have had the same under consideration, and have directed me to report, that, in the opinion of your committee, the prayer of the petitioner is unreasonable, and ought not to be granted, and ask to be discharged from the further consideration thereof.

The report was concurred in, and the committee discharged accordingly.

Mr. Farley made the following report:

MR. SPEAKER—

The committee on claims, to whom was referred the petition of Ezekiel Cox, have, according to order, had the same under consideration, and have directed me to report that they deem the request of the petitioner unreasonable, and ask to be discharged from the further consideration thereof.

The report was concurred in, and the committee discharged accordingly.

Mr. Farley made the following report:

MR. SPEAKER—

The committee on claims to whom was referred two certain certificates of the clerk of Clarke county showing that Elias Long late a collector of said county, had been allowed by the board of county commissioners of said county, the several sums of eleven dollars, and three dollars and sixty-two cents to be paid out of the State Treasury, have had the same under consideration, and have directed me to report that they do not consider the same a proper subject for legislation, and ask to be discharged from the further consideration thereof.

On motion of Mr. Henley,

The said report was laid upon the table.

Mr. Farley made the following report:

MR. SPEAKER—

The committee on claims to whom was referred the resolution of the House. That the committee on ways and means be instructed to allow in the specific appropriation bill certain claims, have had the same under consideration, and directed me to report, that in their opinion all of said claims ought to be allowed except that of Thomas P. Baldwin. They have ascertained that said Mr. Baldwin acted for clerk for the committee on banks for twenty-five days previous to the 7th of January, 1840, on which day the House refused to permit said committee to employ a clerk, for which services he ought to be allowed _____ per day.

Mr. Spann moved to fill the blank with the words "three dollars and fifty cents."

Mr. Wilson of W. moved to insert four dollars and fifty cents.

Mr. Bowles moved to fill the blank with four dollars.

Mr. Long moved to fill the blank with three dollars.

Mr. Robinson of Ripley moved to fill the blank with two dollars.

On the question, Shall the blank be filled with "four dollars and fifty cents,"

The ayes and noes being requested thereon by Messrs. Robinson of Ripley and Flint,

Those who voted in the affirmative were:

Messrs. Henly, Stewart, White, and Wilson of W.—4.

Those who voted in the negative were:

Messrs. Albertson, Allison, Arnold, Atherton, Baker, Beckett, Bell,

Berkshire, Bowles, Buckles, Burke, Butler, Campbell, Carleton of F., Carlton of L., Clark, Coats, Cogswell, Conaway, Cooper, Cox, Davis, Dunn, Eccles, Edmonson, English, Farley, Finch, Fisher, Flint, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamer, Hamblen, Herriman, Hull, Hunt of J., Hunt of R., Jackson, Jamison, Jenckes, Johnson, Lancaster, Lanius, Lee, Long, McCormack, McCoy, Miller, Milroy, Monroe, Montgomery, Moore of O., Moore of V., Morgan, Morrison, Nelson of B., Nelson of M., O'Neill, Osborn of C., Osborn of F., Osborn of U., Parker, Perry, Perviance, Porter, Rippey, Robinson of J., Robinson of Ripley, Robinson of Rush, Rush, Sands, Shiveley, Spann, Sweetser, Thompson, Warriner, Wheeler, Wilson of M., Woodard, Worster, Zenor, and Mr. Speaker—86.

So the blank was not filled with four dollars and fifty cents,

On the question, Shall the blank be filled with four dollars?

And the ayes and noes being requested thereon by Messrs. Berkshire and Jamison,

Those who voted in the affirmative were:

Messrs. Bowles, Carlton of L., Davis, Edmonson, English, Gardner, Henley, Stewart, White, Wilson of W., and Mr. Speaker—11.

Those who voted in the negative were:

Messrs. Albertson, Allison, Arnold, Atherton, Baker, Beckett, Bell, Berkshire, Buckles, Burke, Butler, Campbell, Carleton of F., Clark, Coats, Cogswell, Conaway, Cooper, Cox, Dunn, Eccles, Farley, Finch, Fisher, Flint, Foster, Frisbie, Garrigus, Haddon, Hamer, Hamblen, Herriman, Hull, Hunt of J., Hunt of R., Jackson, Jamison, Jenckes, Johnson, Lancaster, Lanius, Lee, Long, McCormack, McCoy, Miller, Milroy, Monroe, Montgomery, Moore of O., Moore of V., Morgan, Morrison, Nelson of B., Nelson of M., O'Neill, Osborn of C., Osborn of F., Parker, Perry, Perviance, Porter, Rippey, Robinson of J., Robinson of Ripley, Robinson of Rush, Rush, Sands, Shiveley, Spann, Sweetser, Thompson, Warriner, Wheeler, Wilson of M., Woodard, Worster, and Zenor—78.

So the blank was not filled with four dollars.

On the question, Shall the blank be filled with "three dollars and fifty cents?"

The ayes and noes being requested thereon.

Those who voted in the affirmative were:

Messrs. Bowles, Carlton of L., Davis, Edmonson, English, Farley, Gardner, Henley, Nelson of B., Spann, Stewart, Wilson of W., and Mr. Speaker—13.

Those who voted in the negative were:

Messrs. Albertson, Allison, Arnold, Atherton, Baker, Beckett, Bell, Berkshire, Buckles, Burke, Butler, Campbell, Carleton of F., Clark, Coats, Cogswell, Conaway, Cooper, Cox, Dunn, Eccles, Finch, Fisher, Flint, Foster, Frisbie, Garrigus, Haddon, Hamer, Hamblen, Herriman, Hull, Hunt of J., Hunt of R., Jackson, Jamison, Jenckes, Johnson, Judah, Lancaster, Lanius, Long, McCormack, McCoy, Miller, Milroy, Monroe, Montgomery, Moore of O., Moore of V., Morgan, Morrison, Nelson of M., O'Neill, Osborn of C., Osborn of F., Osborn of U., Parker, Perry, Perviance, Porter, Rippey, Robinson of J., Robinson of Ripley, Rush, Sands, Shiveley, Sweetser, Thompson, Warriner, Wheeler, White, Wilson of M., Woodard, Worster, and Zenor—75.

So the blank was not filled with three dollars and fifty cents.

On the question, Shall the blank be filled with three dollars?

And the ayes and noes being requested thereon by Messrs. Robinson of Ripley and Jamison,

Those who voted in the affirmative were:

Messrs. Albertson, Arnold, Baker, Bowles, Carlton of L., Clark, Cogswell, Conaway, Cooper, Davis, Eccles, Edmonson, English, Farley, Fisher, Foster, Garrigus, Gardner, Haddon, Hamblen, Henley, Herriman, Hull, Hunt of J., Johnson, Lanius, Lee, Long, McCormack, McCoy, McGaughey, Miller, Monroe, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of F., Osborn of U., Perry, Porter, Rippey, Robinson of Rush, Sands, Spann, Sweetser, Warriner, Zenor, and Mr. Speaker—50.

Those who voted in the negative were:

Messrs. Allison, Atherton, Beckett, Bell, Berkshire, Buckles, Burke, Butler, Campbell, Carleton of F., Coats, Cox, Dunn, Finch, Flint, Frisbie, Hunt of R., Jackson, Jamison, Jenckes, Judah, Lancaster, Milroy, Montgomery, Morgan, O'Neill, Osborn of C., Parker, Perviance, Robinson of J., Robinson of Ripley, Rush, Shiveley, Stewart, Thompson, Wheeler, White, Wilson of M., Wilson of W., Woodard, and Worster—41.

So said blank was filled with three dollars.

Mr. Berkshire moved to amend by striking out "three dollars per day" as pay for witnesses, and insert "two dollars per day,"

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Allison, Arnold, Atherton, Beckett, Bell, Berkshire, Buck-

ies, Campbell, Carleton of F., Coats, Cogswell, Conaway, Cooper, Davis, Eccles, English, Frisbie, Garrigus, Haddon, Hamer, Hamblen, Henley, Herriman, Hull, Hunt of J., Jamison, Johnson, Lanius, Lee, McCormack, Miller, Milroy, Moore of O., Moore of V., Morgan, Nelson of B., Osborn of C., Osborn of U., Perry, Perviance, Porter, Rippey, Robinson of Ripley, Sands, Shiveley, and Worster—46.

Those who voted in the negative were:

Messrs. Albertson, Baker, Bowles, Burke, Butler, Carlton of L., Clark, Cox, Dunn, Edmonson, Everts, Farley, Fisher, Fitch, Flint, Gardner, Jackson, Jenckes, Lancaster, Long, McCoy, McGaughey, Monroe, Montgomery, Morrison, Nelson of M., O'Neill, Osborn of F., Parker, Robinson of J., Robinson of Rush, Rush, Southard, Spann, Stewart, Thompson, Wheeler, White, Wilson of M., Wilson of W., Woodard, Zenor, and Mr. Speaker—41.

So said amendment was not adopted.

On the question, Shall the report, as amended, be concurred in?

And the ayes and noes being requested thereon Messrs. Sweetser and Osborn of C.,

Those who voted in the affirmative were:

Messrs. Arnold, Baker, Berkshire, Bowles, Buckles, Campbell, Clark, Cogswell, Conaway, Cooper, Davis, Eccles, Edmonson, English, Farley, Fitch, Frisbie, Garrigus, Haddon, Hamblen, Henley, Hull, Hunt of J., Johnson, Lanius, Lee, Long, McCormack, McCoy, Miller, Moore of O., Moore of V., Nelson of B., Nelson of M., Osborn of F., Osborn of U., Perry, Perviance, Porter, Rippey, Sands, Shiveley, Spann, Stewart, Sweetser, Warriner, Wilson of M. Worster, and Mr. Speaker—48.

Those who voted in the negative were:

Messrs. Albertson, Allison, Atherton, Beckett, Bell, Burke, Butler, Carleton of F., Carlton of L., Coats, Cox, Dunn, Everts, Finch, Fisher, Flint, Gardner, Hamer, Hunt of R., Jackson, Jamison, Jenckes, Lancaster, McGaughey, Milroy, Monroe, Montgomery, Morgan, Morrison, O'Neill, Osborn of C., Parker, Robinson of J., Robinson of Ripley, Rush, Southard, Thompson, Wheeler, White, Wilson of W., Woodard, and Zenor—42.

So the report of the committee, as amended, was concurred in.

Mr. Morgan made the following report:

MR. SPEAKER—

The committee on roads to whom was referred the petition of A. J. Gilley, and others, praying for the location of a State road, from near

Paoli, in Orange county, to Washington in Daviess county, have had the same under consideration, and upon inquiry find that the road prayed for would run near forty miles parallel with, and contiguous to one of the State works of internal improvement (the New Albany and Vincennes turnpike,) and every person in the habit of travelling through our State is apprised of the fact, that for several months in the summer, and fall, our common roads, in good repair, are nearly as pleasant to travel upon as a turnpike. And for this reason the committee believe, that if the road prayed for was located, and well improved, it would divert a considerable portion, if not the whole of the travel from the New Albany and Vincennes road, during that part of the year, that by far the greatest amount of travelling is done. This surely cannot be the interest of the State of Indiana. For these and other reasons, the committee have come to the conclusion to report it inexpedient to grant the prayer of the petitioners, and ask to be discharged from the further consideration of the subject.

The report was concurred in, and the committee discharged accordingly.

Mr. Morgan made the following report:

MR. SPEAKER—

The committee on Roads to whom was referred numerous petitions, remonstrances, letters, plats, maps, &c. from sundry citizens of Warren county, have had the same under consideration, and find that the object of the petitioners can as well be attained by applying to the board doing county business, in their county, who no doubt have a better opportunity of becoming acquainted with the various conflicting interests of the parties, than your committee. Therefore, they instruct me to report it inexpedient to legislate on the subject, and ask to be discharged from the further consideration of the same.

The report was concurred in, and the committee discharged accordingly.

Mr. Henley, from a select committee to which the subject was referred reported the following bill, to wit:

No. 303, a bill concerning the state road from Charlestown to Salem;

Which was read a first and second times, the rule being suspended, and committed to the committee on roads.

Mr. Hamblen made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of Avery McGee, and others of Brown county, praying that a part of Salt creek

be declared a public highway, have had that subject under consideration, and have directed me to report the following bill, to wit:

No. 204, a bill declaring a part of Salt creek a public highway;

Which was read a first, second, and third times, and passed, the rule being suspended.

Ordered, That the clerk inform the Senate thereof.

Mr. Cogswell, from the select committee to whom the subject was referred, reported the following bill, to wit:

No. 305, a bill to regulate the jurisdiction of justices of the peace in the county of Hamilton;

Which was read a first, second, and third times, and passed.

Ordered, That the clerk inform the Senate thereof.

On motion.

The House adjourned until two o'clock, P. M.

Two o'clock P. M.

The House met pursuant to adjournment.

The Speaker presented a communication from his Excellency, the Governor, the preamble and resolutions of the Legislature of New Jersey, on the subject of the election of members to the 26th Congress, from that State;

Which, on motion of Mr. Porter, was laid upon the table.

Mr. Henley, on leave granted, offered for adoption the following resolution:

Resolved, That the committee of ways and means be instructed to allow J. P. Baldwin, in the specific appropriation bill, the sum of twelve dollars, for four day's services, as clerk of the select investigating committee, appointed by the House on the 3d inst.

Mr. Robinson of Ripley, moved to amend so as to allow but two dollars per day;

Which amendment was not adopted.

Mr. Cutter moved, that the evidence taken before the investigating committee be read;

Which motion was decided in the negative.

On the question, shall said resolution be adopted?

The ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Bowles, Carlton of L., Clark, Cogswell, Conaway, Cutter, Davis, Dunn, Eccles, Edmonson, English, Everts, Farley, Fitch, Garrigus, Gardner, Haddon, Henley, Herriman, Hull, Hunt of J., Hunt of R., Jenckes, Lee, M'Cormack, Miller, Milroy, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of U.,

Parker, Perry, Porter, Rippey, Robinson of Rush, Rush, Sands, Southard, Stewart, Wheeler, White, Wilson of W., and Mr. Speaker.—14.

Those who voted in the negative were:

Messrs. Allison, Arnold, Atherton, Beckett, Bell, Berkshire, Buckles, Burke, Butler, Campbell, Carleton of F., Coats, Cooper, Finch, Flint, Frisbie, Hamer, Hamblen, Jackson, Lancaster, M'Gaughey, O'Neill, Osborn of C., Osborn of F., Robinson of J., Robinson of R., Shiveley, Thompson, Wilson of M., Woodard, Worster, and Zenor—35.

So said resolution was adopted.

Mr. Clark moved to take from the table the bill of the House, relative to the militia, in order to place it amongst the orders of the day;

Which motion was decided in the negative.

Mr. Cutter moved to take from the table, the bill of the House on the subject of common schools;

Which motion was decided in the negative.

Mr. Hunt of R., introduced

No. 306, a bill to change the time of holding courts in the eleventh judicial circuit;

Which was read a first, second and third times, the rule being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Cutter moved to take under consideration the bills on the subject of agriculture;

Which motion was decided in the negative.

Mr. Montgomery made the following report:

MR. SPEAKER—

The select committee to which was referred a resolution relative to a law providing "for a more uniform mode of doing township business, in the several counties therein named," have had the same under consideration, and directed me to report the following bill, to wit:

No. 307, a bill to amend an act entitled "an act to provide for a more uniform mode of doing township business in the several counties therein named," approved February 17th, 1838;

Which was read a first and second times, the rule being suspended; when

Mr. Milroy moved to strike out the bill from the enacting clause, and insert a substitute;

Which motion was decided in the negative.

The bill was then ordered to be engrossed for a third reading.

Mr. Moore of O., introduced

No. 308, a bill for the relief of Peter Hussey;

Which was read three several times, the rule being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Miller made the following report:

MR. SPEAKER—

The select committee, to whom was referred a bill of the Senate, No. 25, entitled "an act in relation to the State House, and for other purposes," have had the same under consideration, and directed me to report the same back to the House with sundry amendments.

The committee have also had the bill of the House, on the same subject under consideration, and recommend that it be laid upon the table.

The amendments to the bill of the Senate were concurred in, and the bill of the House laid upon the table.

The amendment to the bill of the Senate were ordered to be engrossed, and with the bill passed to a third reading.

Mr. Fitch moved to take from the table, bill of the House No. 79, providing for the sale of the Wabash and Erie canal lands, and for other purposes;

Which motion was decided in the affirmative.

Mr. Fitch moved to refer the bill to a select committee;

Which motion was decided in the affirmative.

Messrs. Fitch, Milroy, and Wilson of M., were appointed said committee.

Mr. Sweetser introduced

No. 309, a bill relative to the counties in the fifth judicial circuits;

Which was read a first time, and passed to a second reading.

The House now proceeded to the consideration of bills on their third reading.

No. 12, a bill of the Senate, amendatory of an act regulating the jurisdiction and duties of justices of the peace, approved February 17th, 1838, and for other purposes;

No. 24, a bill of the Senate, to amend the several acts regulating the practice at law;

No. 96, a bill of the House, to incorporate the Greensburgh and Vernon turnpike company;

No. 69, a bill to authorize the sale of certain public ground in the town of St. Omcr, in Decatur county, and for other purposes;

No. 98, a bill to legalize and confirm the official acts of the several Boards of Trustees of the village of Mishawaka;

No. 99, a bill to legalize certain acts of the county commissioners of Cass county;

No. 100, a bill to authorize James T. Miller to keep a public ferry across the Wabash river in Miami county, and for other purposes;

No. 108, a bill for the relief of George Crawford, and James R. McCord;

No. 118, a bill relative to the jurisdiction of justices of the peace in Allen county;

No. 182, a bill to legalize certain proceedings of the county board of Wabash county;

No. 194, a bill for the relief of the collector of the revenue of Orange county;

No. 204, a bill to incorporate the Lawrenceburgh and Napoleon turnpike company;

No. 231, a bill to amend an act entitled "an act to provide for a general system of internal improvements, approved January 27th, 1836;

No. 232, a bill to incorporate the second Presbyterian church, in Indianapolis;

No. 233, a bill to annex all that part of East Knightstown, lying east of Blue river, to the town of Raysville;

No. 234, a bill to provide for the relocation of the county seat of Blackford county.

No. 239, a bill for the relief of Lloyd Wedding of Davis county;

No. 240, a bill for the relief of Mary M. Holliday;

No. 241, a bill to amend an act entitled "an act granting to the citizens of Madison, and the town of Lawrenceburgh a city charter;

No. 261, a bill to change the name of the town of Paris, in Lawrence county, to that of Bryantsville;

No. 263, a bill relative to trials before justices of the peace in certain counties therein named;

No. 265, a bill for the relief of certificate holders to certain school lands in Monroe county;

No. 291, a joint resolution relative to the publication of the reports of the Auditor and Treasurer of State, with the general acts of the General Assembly;

No. 269, a bill to amend an act entitled "an act to incorporate the town of Martinsville, in Morgan county, Indiana;" approved February 17th, 1838;

No. 280, a bill relative to the New Albany and Vincennes M'Adamized road, and for the better regulation thereof;

No. 288, a bill to vacate a certain state road in the county of St. Joseph;

No. 294, a bill to provide for the summoning, and empannelling jurors in the county of Delaware;

No. 298, a bill to amend an act entitled "an act attaching certain territory to the counties therein named," approved February 16th, 1839;

Were severally read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 238, a bill to dissolve the bands of matrimony between Peter M'Kowsky and Amanda M'Kowsky, was read a third time; and

On the question, shall said bill pass?

Those who voted in the affirmative were:

Messrs. Albertson, Bell, Berkshire, Burke, Butler, Clark, Cogswell, Cooper, Cutter, Eccles, Edmonson, English, Everts, Fitch, Flint, Frisbie, Garrigus, Gardner, Haddon, Henley, Herriman, Hull, Hunt of J., Johnson, Lancaster, Lanius, Lee, McCormack, McCoy, Miller, Milroy, Monroe, Montgomery, Moore of O., Moore of V., Osborn of F., Osborn of U., Perry, Perviance, Porter, Rippey, Rush, Sands, Shiveley, Southard, Spann, Stewart, Warriner, White, Wilson of M., Wilson of W., Zenor and Mr. Speaker—52.

Those who voted in the negative were:

Messrs. Allison, Arnold, Atherton, Baker, Beckett, Buckles, Campbell, Carleton of F., Carlton of L., Coats, Conaway, Cox, Dunn, Farley, Finch, Hamer, Hamblen, Jackson, Jenckes, McGaughey, Morgan, Morrison, Nelson of B., Nelson of M., O'Neill, Parker, Robinson of J., Robinson of Ripley, Robinson of Rush, Sweetser, Thompson, Wheeler, Woodard, and Worster—33.

So said bill passed.

Ordered, That the clerk inform the Senate thereof.

No. 281, a bill to extend the time of payment to purchasers of saline and school lands in Washington county, was read a third time; when

Mr. Monroe moved to recommit the bill to a select committee;

Which motion was decided in the affirmative.

Messrs. Monroe, Morgan and Berkshire, were appointed said committee.

No. 267, a bill for the relief of John Longacre, was read a third time,

And on the question, shall the bill pass?

The ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Bell, Berkshire, Bowles, Burke, Butler, Carlton of L., Clark, Coats, Cogswell, Cutter, Eccles, Edmonson, English, Everts, Fitch, Flint, Frisbie, Garrigus, Gardner, Haddon, Henley, Herriman, Hull, Hunt of J., Johnson, Lancaster, Lanius, Lee, McCormack, McCoy, Miller, Montgomery, Moore of V., Nelson of M., Osborn of C., Osborn of F., Osborn of U., Perry, Perviance, Porter, Rippey, Sands, Shiveley, Southard, Spann, Stewart, Warriner, White, Wilson of M., Wilson of W., Zenor, and Mr. Speaker.—53.

Those who voted in the negative were:

Messrs. Allison, Arnold, Atherton, Beckett, Buckles, Campbell,

Carleton of F., Conaway, Cox, Dunn, Farley, Fisher, Hamer, Hamblen, Jackson, Jenckes, Judah, Milroy, Moore of O., Morgan, Morrison, O'Neill, Parker, Robinson of J., Robinson of Ripley, Robinson of Rush, Rush, Sweetser, Thompson, Woodard, and Worster—30.

No. 242, a bill to amend an act entitled "an act for the incorporation of agricultural societies," approved February 17th, 1838, was read a third time; when,

Mr. Miller moved to lay said bill upon the table,
And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Arnold, Baker, Beckett, Bell, Bowles, Buckles, Campbell, Carleton of F., Clark, Cogswell, Davis, Dunn, Eccles, Edmonson, English, Farley, Fisher, Frisbie, Garrigus, Gardner, Haddon, Hamblen, Henley, Lanius, Lee, Long, McCormack, McCoy, Miller, Milroy, Monroe, Moore of O., Moore of V., Morrison, Nelson of M., Osborn of F., Osborn of U., Perry, Robinson of Rush, Shiveley, Southard, Spann, Stewart, Sweetser, White, Wilson of W., Worster, and Mr. Speaker—47.

Those who voted in the negative were:

Messrs. Albertson, Allison, Atherton, Berkshire, Burke, Butler, Carlton of L., Coats, Cooper, Cox, Cutter, Everts, Fitch, Flint Hamer, Herriman, Hull, Hunt of J., Jackson, Jenckes, Judah, Lancaster, Montgomery, Morgan, O'Neill, Parker, Porter, Rippey, Robinson of J., Robinson of Ripley, Rush, Sands, Thompson, Warriener, Wilson of M., Woodard, and Zenor—36.

So said bill was laid upon the table.

A message from the Senate, by Mr. Test their Secretary.

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives, that the Senate refuses to concur in the amendment of the House to the bill of the Senate, No. 94, entitled "an act for the relief of Phebe Clymer."

The Senate has passed engrossed bills of the House and a joint resolution thereof, entitled as follows, viz:

No. 127, an act to amend an act entitled "an act incorporating the Richmond and Boston Turnpike Company," approved February, 1839;

No. 149, an act to legalize the acts of the Probate court of DeKalb county;

No. 159, an act to fix the times of holding Probate courts in Marion county;

No. 165, an act to authorize the holding of an additional term of the circuit court for the county of Washington;

No. 172, an act to provide for the election of a Justice of the Peace in the town of Owensville in Gibson county;

No. 179, an act to incorporate the Lagrange Collegiate Institute;

No. 180, an act to repeal an act entitled "an act providing for the clearing out Pride's creek in Pike county," approved January 21st, 1839;

No. 83, an act concerning the incorporation of the town of Brookville and for other purposes;

No. 184, an act to revive an act to incorporate the Lagrange county Manufacturing company;

No. 188, an act to declare the meaning of the 29th section of an act entitled "an act to regulate the mode of doing county business in the several counties in this State," approved Feb. 17th, 1838;

No. 190, an act to revive "an act entitled an act to amend an act for the benefit of persons who are likely to suffer by the destruction of the records of Dearborn county;"

No. 191, an act to provide for the election of a Justice of the Peace and Constable in the town of White Hall in Owen county;

No. 258, an act for the relief of the heirs and administrators of John Tipton deceased;

No. 262, an act to provide for the election of a Justice of Peace in Jacksonville, Fountain county;

No. 271, an act supplemental to an act for the election of three school commissioners in township No. 14, North of range 7 West, in Parke county, approved Dec., 1839;

No. 276, an act to change the name of Mary Burroughs;

No. 186, a joint resolution in relation to contractors;

No. 18, an act to regulate the jurisdiction of Justices of the Peace in Green county;

No. 33, an act legalizing the acts and proceedings of the trustees of school district township No. 6, North of range No. 9 West, in Sullivan county, in relation to the town of Edwardsport;

No. 34, an act to vacate the town of Bath;

No. 43, an act to amend an act organizing the Supreme court, and defining its powers and duties, approved Feb. 17, 1838;

No. 46, an act to regulate the jurisdiction of Justices of the Peace in Grant county;

No. 47, an act to vacate the town of Economy in Gibson county;

No. 54, an act to repeal a part of an act entitled "an act concerning Knox county;"

No. 150, an act relative to the Probate court of Bartholomew county; and,

No. 287, an act to amend an act entitled "an act dividing the State into judicial circuits and fixing the times of holding courts therein, and for other purposes;"

Each without amendment.

The Senate has passed engrossed bills thereof:

No. 52, an act defining the boundaries of Jay county;

No. 113, an act in relation to county surveyors;

In which the concurrence of the House is respectfully requested.

Bill No. 52, of the Senate, was read a first time and passed to a second reading.

Bill No. 113, of the Senate, was read three several times, and passed, the rule being suspended.

A message from the Senate by Mr. Test their Secretary:

MR. SPEAKER—

I am instructed by the Senate to inform the House of Representatives, that the Senate has passed an engrossed bill thereof, No. 132, entitled "an act to authorize Campbell Dale to build a mill dam across White River," in which they ask the concurrence of the House.

The said bill was read a first, second, and third times and passed, the rule being suspended.

No. 243, a bill to encourage the raising of silk, the manufacturing of salt and iron and sugar from the sugar beet;

Was read a first and second times, the rule being suspended; when

Mr. Berkshire moved that said bill be laid upon the table;

Which motion was decided in the affirmative.

No. 92, a bill for the relief of the settlers on the Wabash and Erie canal lands,

Was read a third time; when

Mr. Montgomery moved to lay the bill upon the table;

Which motion was decided in the affirmative.

No. 244, a bill to amend an act entitled "an act for the encouragement of agriculture, approved February 7, 1835;

Was read a third time, when,

On motion of Mr. Long,

Said bill was laid upon the table.

No. 275, a bill for the relief of borrowers from the sinking fund and surplus revenue, was read a second time; when

Mr. Cutter moved to lay the bill upon the table,

The ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Bell, Bowles, Carleton of F., Carlton of L., Clark, Cutter, Davis, Farley, Fitch, Haddon, Herriman, Hull, Jenckes, Nelson of B., Osborn of U., Parker, Perry, Spann, Stewart, White, Wilson of W., and Zenor—23.

Those who voted in the negative were:

Messrs. Albertson, Allison, Arnold, Atherton, Baker, Beckett,

Berkshire, Buckles, Burke, Butler, Campbell, Coats, Cogswell, Cooper, Cox, Dunn, Eccles, Edmonson, English, Finch, Fisher, Flint, Frisbie, Garrigus, Hamer, Hamblen, Henley, Hunt of J., Jackson, Lane, Lancaster, Lanius, Lee, McCormack, McCoy, McGaughey, Miller, Milroy, Montgomery, Moore of V., Morgan, Morrison, Nelson of M., O'Neill, Osborn of C., Osborn of F., Perviance, Porter, Rippey, Robinson of J., Robinson of Ripley, Robinson of Rush, Rush, Sands, Shiveley, Southard, Sweetser, Thompson, Warriner, Wheeler, Wilson of M., Woodard, Worster, and Mr. Speaker—61.

So said bill was not laid upon the table.

Mr. Fitch moved to commit the bill to the same committee of the whole, to which the bill on the subject of common schools is committed.

Mr. Spann moved that the bill be indefinitely postponed.

Mr. Osborn of F. made the following report:

MR. SPEAKER—

The joint committee on enrolled bills report that they did this day compare the enrolled with the engrossed acts and joint resolutions of the House, to wit:

No. 28, an act to regulate the jurisdiction of justices of the peace in Boone county;

No. 136, an act for the relief of William Kampton;

No. 107, an act to authorize Stephen Barnes to build a mill dam across White River in Owen county;

No. 196, an act for the relief of Isaac Pinnick.

No. 221, an act to amend an act regulating the mode of summoning and empanneling grand and petit jurors, approved February 17, 1838, as far as relates to the county of Owen;

No. 132, a memorial and joint resolution of the General Assembly relative to the town of Indianapolis;

No. 5, a joint resolution instructing our Senators and requesting our Representatives in Congress to procure the repeal of the duty on salt.

No. 83, an act concerning the incorporation of the town of Brookville, and for other purposes;

No. 44, an act to vacate the town of Bath,

And find the same truly enrolled; whereupon,

The Speaker signed the same.

Ordered, That the clerk carry the same to the Senate for the signature of their President.

Mr. Osborn of F. made the following report:

MR. SPEAKER—

The joint committee on enrolled bills report that they did this day present to his excellency the Governor for his approval and signature the following entitled acts and joint resolutions, which originated in the House, to wit:

No. 34, an act to vacate the town of Bath;

No. 83, an act concerning the incorporation of the town of Brookville, and for other purposes;

No. 221, an act to amend an act regulating the mode of summoning and empanneling grand and petit jurors, approved February 17, 1838, as far as relates to the county of Owen;

No. 107, an act to authorize Stephen Barnes to build a mill dam across White River in Owen county;

No. 196, an act for the relief of Isaac Pinnick;

No. 136, an act for the relief of William Kempton;

No. 28, an act to regulate the jurisdiction of justice of the peace in Boone county;

No. 5, a joint resolution instructing our Senators and requesting our Representatives in Congress to procure the repeal of the duty of salt;

No. 132, a memorial and joint resolution of the General Assembly relative to the town of Indianapolis;

Mr. Osborn of F. made the following report:

MR. SPEAKER—

The joint committee on enrolled bills report that they have this day compared the enrolled with the engrossed acts and joint resolutions of the Senate, to wit:

No. 44, an act to amend an act entitled "an act to incorporate the city of New Albany and to repeal all laws in force incorporating," approved 14th February, 1839;

No. 41, an act for the relief of Marion county;

No. 128, a memorial and joint resolution of the General Assembly of the State of Indiana, asking for a further appropriation for the prosecution of the public works at Michigan city, and find the same truly enrolled; whereupon,

The Speaker signed the same.

Ordered, That the clerk carry the same to the Senate for the signature of their President.

A message from the Governor by Mr. Moore, his private Secretary:

MR. SPEAKER—

I am directed by the Governor to inform the House of Representa-

tives that he did on yesterday approve and sign an act entitled "an act to incorporate the Fort Marion Guards," which originated in the House of Representatives.

On motion,

The House adjourned until Monday morning next at nine o'clock.

MONDAY, FEBRUARY 10th, 1840.

The House met pursuant to adjournment.

Mr. Zenor presented the petition of sundry citizens of Harrison county, praying that Musquito creek may be declared a public highway;

Which was referred to a select committee of Messrs. Zenor, Albertson, and Morrison.

The Speaker laid before the House, the report of the Vernon Savings Institution;

Which was referred to the committee on corporations.

Mr. Sweetser made the following report:

MR. SPEAKER—

The committee on corporations, to whom was referred, a bill from the Senate, to amend an act entitled "an act to incorporate the Western Literary Society of the Wabash College," in the county of Montgomery, approved February 7th, 1835, have had the same under consideration, and directed me to report the same, without amendment.

The bill was read a third time, and passed, the rule being suspended.

Ordered, That the clerk inform the Senate thereof.

Mr. Fitch made the following report:

MR. SPEAKER—

The select committee to which was referred the report of the commissioners of the Michigan road, together with the accompanying documents, have directed me to report;

1st, Upon the claim urged by the commissioner of the Michigan

road, for extra services performed, that suit having been commenced against said commissioner, and his securities, for the recovery of the money retained in his hands, they prefer leaving said claim to be decided by the judiciary, and therefore forbear any expression of opinion upon the subject.

2d. That on examination suggested by the commissioner's report, they find the State has a grant, from the United States, on account the Michigan road for more land than has been claimed by the State, or sold by its order. They have therefore, herewith reported a bill providing for the sale of any such tracts as are, or may be found unoffered heretofore, together with all such lands heretofore offered as remain unsold. In which bill also, for the perfect security of purchasers of Michigan road lands, they have directed a comparison, and examination of all the books, and maps of the respective offices to detect discrepancies, and errors, which, if left, will lead to innumerable difficulties, and loss to numerous purchasers. The books, and maps necessary for this investigation being filed with the Auditor of Public Accounts, they have directed him to carry out said investigation.

The accompanying bill, to wit:

No. 310, a bill to provide for the sale of the Michigan road lands remaining unsold, and for other purposes, was read a first and second times, the rule being suspended; when

Mr. Wilson of M., moved to recommit the bill to a select committee;

Which motion was decided in the negative.

Mr. Wilson of M., moved to amend the bill, by striking out the name of S. S. Tipton, and insert the names of William Polke of Fulton county, and Banner Lawhead of Marion county.

Mr. Robinson of J., called for a division of the question, and the question being put on striking out the name of S. S. Tipton,

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Arnold, Atherton, Bell, Butler, Campbell, Cogswell, Cox, Flint, Judah, Montgomery, Parker, Rush, Thompson, and Wilson of M.—15.

Those who voted in the negative were:

Messrs. Albertson, Baker, Bennett, Berkshire, Bowles, Buckles, Carleton of L., Clark, Coats, Conaway, Cooper, Davis, Dunn, Eccles, Edmonson, English, Farley, Finch, Fisher, Fitch, Frisbie, Garrigus, Haddon, Hamer, Hamblen, Henley, Herriman, Jackson, Jamison, Jenckes, Johnson, Lancaster, Lanius, Lee, Long, McCormack, McGaughey, Miller, Monroe, Moore of O., Moore of V., Morgan, Morrison, Nelson of B., Nelson of M., O'Neill, Osborn of F., Osborn of U., Perry, Perviance, Porter, Rippey, Robinson of J., Robinson of Ripley, Sands, Shively, Spann, Stewart, Sweetser,

Warriner, Wheeler, White, Wilson of W., Woodard, Worster, and Mr. Speaker—64.

So said amendment was not adopted.

Mr. Fitch moved to fill the blank with "sixty two and a half cents," as the price of the lands;

Which amendment was adopted.

Mr. Burke moved to amend, by adding the following, as an additional section, to wit:

SEC. 10. Said commissioner shall, before entering on the duties of his office, give bond and security, payable to the State of Indiana, in double the amount of money that may be in his hands, at any one time, for the faithful performance of his duty, while in said office."

On the question, shall said amendment be adopted? it was decided in the affirmative.

The bill was ordered to be engrossed for a third reading.

Mr. Moore of O., made the following report:

MR. SPEAKER—

The select committee to whom was referred a petition of sundry citizens of Owen county, praying relief for John Hyden, have had that subject under consideration, and have directed me to report the following bill, to wit:

No. 311. a bill for the relief of John Hyden of Owen county;

Which was read a first, second, and third times, and passed, the rule being suspended.

Ordered, That the clerk inform the Senate thereof.

Mr. Thompson made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of John Ashley, praying an act to authorize him to build a Mill dam across the Maumee river, have had the same under consideration, and have directed me to report the following bill, to wit:

No. 312, a bill to authorize John Ashley to build a Mill-dam across the Maumee river;

Which was read a first time, and passed to a second reading.

Mr. Fitch made the following report:

MR. SPEAKER—

The select committee to whom was referred bill of the House No. 79, providing for selling the Wabash and Erie canal lands, and for other purposes, have directed me to report it back with an amendment,

striking it out from the enacting clause, and inserting the following as a substitute.

Mr. Robinson of J. moved to lay the report upon the table, and that one hundred copies of the amendment be printed;

Which motion was decided in the affirmative.

Mr. Monroe made the following report:

MR. SPEAKER—

The select committee to whom was referred bill of the House, No. 281, have had the same under consideration, and have directed me to report it back with sundry amendments;

Which were concurred in by the House.

The said bill, to wit:}

No. 281, a bill to extend the time of payment to purchasers of saline, and school lands in Washington county, was read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Shively made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of Wm. Steel, and others, of Wabash county, praying the Legislature to repeal an act authorizing Thomas Gowdy of Miami county, to build a Mill-dam across Eel river, have had the same under consideration, and directed me to report the following bill, to wit:

No. 313, a bill to repeal a certain act therein named;

Which was read a first and second times, the rule being suspended; when

Mr. Shively moved the suspend the rule, and read the bill a third time now;

Which motion was decided in the affirmative.

On the question, shall said bill pass?

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Atherton, Baker, Beckett, Berkshire, Buckles, Burke, Campbell, Clark, Conaway, Davis, Edmonson, English, Farley, Fitch, Flint, Garrigus, Gardner, Hamer, Hamblen, Henley, Herriman, Hull, Hunt of J., Johnson, Lancaster, Lanius, Lee, McCormack, M'Coy, McGaughy, Miller, Milroy, Monroe, Montgomery, Moore of V., Nelson of B., Osborn of F., Osborn of U., Perry, Perviance, Porter, Rippey, Robinson of Ripley, Robinson of Rush,

Sands, Shiveley, Spann, Stewart, White, Worster, Zenor, and Mr. Speaker—53.

Those who voted in the negative were:

Messrs. Allison, Arnold, Bell, Bowles, Butler, Carleton of F., Coats, Cogswell, Cox, Dunn, Eccles, Everts, Finch, Frisbie, Jackson, Jamison, Jenckes, Judah, Morgan, Morrison, Nelson of M., O'Neill, Parker, Rush, Southard, Thompson, Wilson of M., Wilson of W., and Woodard—29.

So said bill passed.

Mr. Thompson made the following report:

MR. SPEAKER—

The select committee to whom was referred sundry petitions of the citizens of Allen and De Kalb counties, praying for the establishment of a state road, have had the same under consideration, and have directed me to report, that they have incorporated a section in the general road bill, in accordance with the prayer of the petitioners.

On motion,

The report of the committee was concurred in:

Mr. Porter made the following report:

MR. SPEAKER—

The select committee to whom was referred to the petition of sundry citizens of Tippecanoe county, praying for a more uniform mode of doing township business in said county, have had the same under consideration, and directed me to report the following bill, to wit:

No. 314, a bill to provide for a more uniform mode of doing township business in the county of Tippecanoe;

Which was read three several times, the rule being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Milroy, on leave, presented the petition of John Smith and others, on the subject of a certain state road therein named;

Which was referred to a select committee of Messrs. Milroy, Wilson of W., and Porter.

Mr. Milroy, also presented the petition of sundry citizens of Tippecanoe township, Carroll county, praying an additional justice of the peace in said township;

Which was referred to a select committee of Messrs. Milroy, Fitch, and Wheeler.

Mr. Milroy presented the petition of sundry citizens of Delphi, Carroll county, in relation to the incorporation of said town;

Which was referred to a select committee of Messrs. Milroy, White, and Southard.

Mr. Rippey offered for adoption the following resolution, to wit:

Whereas, it is believed that it will be necessary to supply the Wabash and Erie canal east of Fort Wayne during several months of the most business part of the year, with water from the feeders on the Elkhart summit of the Erie and Michigan canal, Therefore

Resolved, That the select committee to whom was referred sundry petitions on the subject of the Erie and Michigan canal, inquire into the necessity and expediency of finishing the said canal from the Elkhart feeders to Fort Wayne, simultaneously with the Wabash and Erie canal east of Fort Wayne, and also to inquire into the propriety of authorizing the counties more immediately interested in the Erie and Michigan canal to construct the remainder of the line of said works in such manner as will best comport with the interests of the State and the counties aforesaid, by rendering such counties liable for the amount of interest annually which may accrue on such loans as may from time to time be necessary for the prosecution thereof, or by such other measures as may be deemed most available, with leave to report by bill or otherwise.

Mr. Carlton of L. moved to lay said resolution upon the table;

Which motion was decided in the affirmative.

Mr. Jenckes introduced

No. 315, a joint resolution to provide for the completion of the Cross Cut canal;

Which was read a first time, and passed to a second reading.

Mr. Hamer offered for adoption the following resolution:

Resolved, That the committee on roads be instructed to inquire into the expediency of changing the law, so as to make it the duty of the Board doing county business to appoint supervisors at their January term, with leave to report by bill or otherwise.

On the question, Shall said resolution be adopted?

It was decided in the negative.

Mr. Coats moved to dispense with the rule and take from the table the resolution providing for an adjournment *sine die*, of the two Houses, from the Senate;

Which motion did not prevail.

Mr. Fitch introduced

No. 316, a bill to incorporate the Cass Guards;

Which was read a first and second times, the rule being suspended, and referred to the committee on corporations.

Mr. Zenor moved to insist on the amendment of the House to bill of the Senate No. 224, for the relief of Phebe Clymer;

Which motion was decided in the affirmative.

Ordered, That the clerk inform the Senate thereof.

A message from the Senate by Mr. Test their Secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that the Senate passed engrossed bills of the House as follows:

No. 44, an act to incorporate the Point Commerce Manufacturing and Trading Company;

No. 86, an act to relocate the seat of justice in the county of La-grange;

No. 118, an act to incorporate the Anderson River Bridge Com-pany;

No. 129, an act to authorize John T. Wheeler, a minor, to sell real estate,

Each without amendment.

Also the Senate has passed engrossed bills of the House as follows, viz:

No. 9, an act to charter the Evansville Rifle Rangers;

No. 49, an act to authorize Osborn and Chamberlain to sue the State;

No. 82, an act to amend an act to incorporate the Lawrenceburgh Bridge Company, approved January 24, 1831;

No. 97, an act to incorporate the town of Noblesville in the county of Hamilton Indiana;

No. 141, an act to incorporate the city of Fort Wayne;

No. 155, an act to incorporate the Walnut Ridge Cemetery;

No. 164, an act relative to the purchase of a fire engine in the town of Jeffersonville;

No. 171, an act concerning the duties of the school commissioner of Crawford county;

No. 192, an act to declare Main Flat Rock and Big Blue Rivers public highways in the counties of Henry and Shelby,

Each with amendments in which the concurrence of the House is respectfully requested;

Also the Senate has passed engrossed bills thereof as follows, viz:

No. 116, an act to incorporate the Livonia Guards;

No. 121, an act to amend an act entitled "an act to incorporate the Perrysville and Danville rail road company;"

No. 133, an act for the relief of Eldred Huff collector of Hendricks county; and

No. 136, an act in relation to lands within the chartered limits of the city of New Albany, and solely used for farming and woodland purposes; in which also the concurrence of the House is respectfully requested.

The amendments of the Senate to bills of the House numbered 9, 49, 82, 97, 141, 155, 164, 171, and 192 were severally concurred in by the House.

Bills of the Senate, Nos. 116 and 121, were severally read a first, second and third times and passed, the rule being suspended.

Ordered, That the clerk inform the Senate thereof.

Bill of the Senate No. 133, was read a first and second times, and ordered to a third reading.

No. 136, a bill in relation to lands within the chartered limits of the city of New Albany, and solely used for farming and woodland purposes;

Was read a first and second times, and referred to a select committee of Messrs. Stewart, Sands and Bowles.

The House now proceeded to the consideration of bills on their second reading.

No. 275, a bill of the House for the relief of borrowers from the sinking fund and surplus revenue, was again taken under consideration; the pending question, at the last adjournment, being on the indefinite postponement of the bill; when

Mr. Spann withdrew his motion to indefinitely postpone.

On the question, Shall the bill be committed to the same committee of the whole to which the bill on the subject of common schools was referred? it was decided in the affirmative.

No. 286, a bill attaching a certain part of the county of Carroll to the county of Cass;

Was read a second time; when

Mr. Milroy moved to amend the said bill by adding thereto the following proviso, to wit:

“Provided, That sections one. two, three, four, all that part of five, east of Tippecanoe river, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, twenty-three, twenty-four and twenty-five, in congressional township number twenty-four north, of range number three west, be, and hereby are attached to, and shall hereafter form and constitute a part of the county of Carroll.”

Which amendment was not adopted.

Mr. Milroy then moved that the bill be laid upon the table;

Which motion was decided in the affirmative.

On motion,

The House adjourned until two o'clock, P. M.

Two o'clock, P. M.

The House met pursuant to adjournment.

Mr. Zenor, the rule being suspended, made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of Johnson Craven and others praying that Musquito Creek in Harrison coun-

ty be declared a public highway, have had the same under consideration, and have directed me to report the following bill, to wit:

No. 317, a bill declaring Musquito Creek in Harrison county a public highway;

Which was read three several times, the rule being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

No. 289, a bill to amend an act entitled "an act to organize probate courts and defining the powers and duties of executors, administrators and guardians,

Was read a second time, and ordered to be engrossed for a third reading.

No. 90, a bill to incorporate the Indiana Iron Manufacturing Company,

Was read a second time, and ordered to be engrossed for a third reading.

No. 296, a bill to carry into effect part of an act entitled "an act to establish certain State roads therein named and for other purposes," approved February 17th, 1838,

Was read a second time; and

On motion,

Referred to a select committee of Messrs. Frisbie, Bell and Miller.

The House now, according to order, resolved itself into a committee of the whole, on bills of the House, to wit:

No. 244, a bill to provide for a more efficient system of common schools; and

No. 275, a bill for the relief of borrowers from the sinking fund and surplus revenue.

And after some time spent therein, the committee rose and the chairman reported the first mentioned bill back to the House and asked to be discharged from the further consideration thereof; and the second bill back to the House with an amendment, in which he asked its concurrence.

The committee was discharged from the further consideration of bill No. 224, and the amendment to bill No. 275, was concurred in.

Mr. Sweetser moved further to amend the last mentioned bill, by adding the following proviso, to wit:

"Provided, The borrower pays the interest annually in advance."

Mr. Cutter moved further to amend said bill by striking out "8 per cent" and inserting: "10 per cent."

Mr. Burke moved to amend said amendment by inserting "six per cent."

The ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Buckles, Burke, Cogswell, Cox, Davis, Edmonson, Gardner, Haddon, Henley, Hunt of R., Judah, Monroe, Moore of O., Morrison, and Stewart—15.

Those who voted in the negative were:

Messrs. Albertson, Allison, Arnold, Atherton, Baker, Beckett, Bell, Bennett, Berkshire, Bowles, Butler, Campbell, Carleton of F., Carleton of L., Clark, Coats, Conaway, Cooper, Cutter, Dunn, Eccles, English, Everts, Farley, Finch, Fisher, Fitch, Flint, Foster, Frisbie, Garrigus, Hamer, Hamblen, Herriman, Hull, Hunt of J., Jackson, Jamison, Jenckes, Johnson, Lancaster, Lanius, Lee, McCormack, McCoy, McGaughey, Miller, Milroy, Montgomery, Morgan, Nelson of B., Nelson of M., O'Neill, Osborn of F., Osborn of U., Parker, Perry, Perviance, Porter, Rippey, Robinson of J., Robinson of Ripley, Robinson of Rush, Rush, Sands, Shiveley, Southard, Spann, Sweetser, Thompson, Warriner, Wheeler, White, Wilson of M., Wilson of W., Woodard, Worster, Zenor, and Mr. Speaker—77.

So said amendment was not adopted.

The question recurring on Mr. Cutter's amendment.

Mr. Cox called for a division of the question; when

Mr. Miller moved the previous question, which being seconded by a majority of the House was put, to wit:

Shall the main question be now put?

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Arnold, Atherton, Baker, Beckett, Bell, Bennett, Berkshire, Bowles, Buckles, Butler, Campbell, Clark, Cogswell, Conaway, Cooper, Cox, Davis, Dunn, Eccles, Edmonson, English, Everts, Farley, Finch, Fitch, Foster, Frisbie, Gardner, Haddon, Hamblen, Hunt of J., Hunt of R., Jackson, Jamison, Jenckes, Johnson, Judah, Lane, Lancaster, Lanius, Lee, McCoy, McGaughey, Miller, Milroy, Monroe, Moore of O., Moore of V., Morgan, Morrison, Nelson of B., Nelson of M., O'Neill, Perry, Perviance, Rippey, Robinson of Rush, Rush, Sands, Shiveley, Southard, Stewart, Sweetser, Thompson, Warriner, Wheeler, White, Wilson of M., Wilson of W., Worster, Zenor, and Mr. Speaker—77.

Those who voted in the negative were:

Messrs. Allison, Burke, Carleton of F., Carleton of L., Coats, Cutter, Fisher, Flint, Garrigus, Hamer, Henley, Herriman, Hull, McCormack, Montgomery, Osborn of F., Osborn of U., Parker, Porter, Robinson of J., Robinson of Ripley, Spann, and Woodard—22.

So the previous question was sustained.

The main question, to wit: Shall the bill be engrossed for a third reading? was put,

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Arnold, Atherton, Baker, Beckett, Bennett, Berkshire, Bowles, Buckles, Burke, Butler, Campbell, Cogswell, Conaway, Cooper, Cox, Davis, Dunn, Eccles, Edmonson, English, Everts, Farley, Finch, Flint, Foster, Frisbie, Haddon, Hamer, Hamblen, Henley, Hunt of J., Hunt of R., Jackson, Jamison, Jenckes, Johnson, Judah, Lane, Lancaster, Lanius, Lee, M'Coy, M'Gaughey, Miller, Milroy, Moore of O., Morgan, Nelson of B., Nelson of M., O'Neill, Osborn of F., Parker, Perry, Perviance, Porter, Rippey, Robinson of Ripley, Robinson of Rush, Rush, Sands, Shiveley, Wheeler, White, Wilson of M., Wilson of W., Worster, and Mr. Speaker—67.

Those who voted in the negative were:

Messrs. Albertson, Allison, Bell, Carlton of L., Clark, Coats, Cutter, Fisher, Garigus, Gardner, Herriman, Hull, M'Cormack, Monroe, Montgomery, Moore of V., Morrison, Osborn of U., Robinson of J., Southard, Spann, Stewart, Sweetser, Thompson, Warriner, Woodard, and Zenor—27.

So said bill was ordered to be engrossed for a third reading.

Mr. Henley moved that bill of the House, No. 224, on the subject of common schools, be laid on the table;

Which motion was decided in the affirmative.

Mr. Sweetser moved to discharge the committee of the whole from the further consideration of bill of the House, No. 208, to amend an act entitled "an act relative to crime and punishment," approved February 10th, 1831, and that it be placed in the orders of the day;

Which motion was decided in the affirmative.

The House now took up bills on their second reading.

No. 302, a bill of the House to amend the act allowing and regulating the writ of ad quod damnum, was read a second time; when

Mr. Lane moved that said bill be laid upon the table;

Which motion was decided in the affirmative.

No. 309, a bill of the House relative to the counties in the fifth judicial circuits, was read a second and third times, the rule being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

No. 52, a bill of the Senate, defining the boundaries of Jay county, was read a second time and passed to a third reading.

No. 112, a bill of the Senate, to incorporate the Spencer county Working Men's Institute, was read a second time; when,

Mr. Henley moved to strike out "two thirds" and insert the words "a majority," relating to the power of the Legislature to amend or repeal said charter;

Which motion was decided in the affirmative.

No. 208, a bill to amend an act entitled "an act relative to crime and

punishment," approved February 10th, 1831, was taken under consideration; when,

Mr. Cutter moved that said bill be laid upon the table;

Which motion was decided in the affirmative.

Mr. Hunt of R., moved to reconsider the vote laying the bill upon the table;

Which motion was decided in the affirmative.

A message from the Senate, by Mr. Test their Secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives, that the Senate has passed engrossed bills of the House as follows, viz:

No. 225, an act to incorporate the Kerukakee bridge company;

No. 227, an act to provide for a more uniform mode of doing township business in the county of Cass;

No. 229, an act to provide for the election of a Justice of the Peace in Alquina, Fayette county;

No. 256, an act to declare a misprint and for other purposes;

No. 257, an act to amend an act entitled "an act to regulate the mode of doing county business in the several counties of this State," approved Feb. 17, 1838;

No. 264, an act to authorize the removal of obstructions to the free passage of the water down Little Blue river in the counties of Rush and Shelby;

No. 266, an act for the relief of the Collector of Lake county.

No. 268, an act to authorize Absolom Frason to sell and convey a part of the public square in the town of New Washington;

No. 119, an act to provide for the re-appraisal of school sections in Lake and Owen county;

No. 200, an act to provide for the erection of two bridges in the county of Orange, and for other purposes;

No. 201, an act to relocate the seat of justice of Lake county;

No. 202, an act to incorporate the Washington Band of Musicians;

No. 210, an act changing the time of holding commissioners courts in the county of Floyd;

No. 211, an act to provide for the election of an additional Justice of the Peace and Constable in Morgan township in Harrison county;

No. 213, an act to provide for the relocation of the county seat of Scott county; and,

No. 214, an act to legalize the proceedings of certain justices of the peace in Clay county;

Each without amendment.

On motion,

The House adjourned until to-morrow morning at nine o'clock.

TUESDAY MORNING, FEBRUARY 11. 1840.

House met pursuant to adjournment.

The Speaker laid before the House, the proceedings of the Mayor, and council of the city of New Albany, at a session held at the council chamber, in said city, on the third day of February 1840, on the subject of an alteration of the boundaries of said city;

Which was referred to the committee on corporations.

A message from the Senate, by Mr. Kenedy, a member:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives, that the Senate has concurred in the resolution of the House to adjourn *sine die* on Monday the 24th inst. with an amendment which is to strike out the figures 24, and insert 17 in lieu thereof.

Mr. Lane moved that the message be laid upon the table.

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Baker, Bell, Berkshire, Bowles, Buckles, Carlton of L., Clark, Cogswell, Conaway, Davis, Eccles, Edmonson, English, Farley, Fisher, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamblen, Henley, Herriman, Hull, Hunt of J., Johnson, Lane, Lancaster, Lanius, Lee, Long, McCormack, McCoy, Miller, Milroy, Monroe, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of U., Perry, Perviance, Rippey, Robinson of J., Robinson of Rush, Sands, Southard, Spann, Stewart, Warriner, White, Wilson of W., and Worster—55

Those who voted in the negative were:

Messrs. Arnold, Atherton, Beckett, Bennett, Burke, Butler, Campbell, Carleton of F., Coats, Cox, Cutter, Dunn, Everts, Finch, Fitch, Hamer, Hunt of R., Jackson, Jamison, Jenckes, Jones, Judah, McGaughey, Montgomery, Morgan, O'Neill, Osborn of C., Osborn of F., Parker, Porter, Robinson of Ripley, Rush, Shively, Sweetser, Thompson, Wheeler, Wilson of M., Woodard, and Zenor—39.

So said message was laid upon the table.

The Speaker laid before the House, the report of the Leavenworth Savings Institution;

Which was referred to the committee on corporations.

Mr. Wilson of W., presented the petition of Jasper county, pray-

ing, that the name of Rensselaer be substituted for the name of Newton;

Which was referred to a select committee of Messrs. Wilson of W., Porter, and Milroy.

Mr. Osborn of C., presented the petition of sundry citizens of Clay county, praying that a portion of Owen county may be attached to said county of Clay;

Which was referred to the same select committee heretofore appointed on that subject.

Mr. Osborn of C., presented the remonstrance of one hundred and ninety-nine citizens of Clay county, against a removal of the county seat of said county;

Which was laid upon the table.

Mr. Warriner presented the petition of sundry citizens of Porter, and Laporte, in reference to a certain state road therein named;

Which was referred to the committee on roads.

Mr. Parker presented the petition of sundry citizens of the town of Connersville, praying that the Legislature may pass a law, providing that hereafter no license shall be issued, to authorize the retailing of ardent spirits in said town, except upon petition of a majority of freeholders;

Which was referred to a select committee of Messrs. Parker, Hull, and Bennett.

Mr. Johnson presented the petition of Sophia P. Spear, accompanied by the petition of sundry citizens of Indianapolis, praying for a divorce, accompanied by the following bill, to wit;

No. 318, a bill declaring a divorce in a certain case therein named, and for other purposes;

Which was read a first, second, and third times, the rule being suspended; and

On the question, shall the bill pass?

Those who voted in the affirmative were:

Messrs. Albertson, Bell, Berkshire, Burke, Butler, Carleton of F., Clark, Coats, Cogswell, Cutter, Eccles, Edmonson, English, Everts, Fisher, Frisbie, Garrigus, Gardner, Hamer, Henley, Herriman, Hull, Hunt of J., Jamison, Jenckes, Johnson, Jones, Lane, Lancaster, Lee, Long, M'Cormack, M'Coy, Miller, Milroy, Monroe, Montgomery, Moore of O., Moore of V., Morrison, O'Neill, Osborn of C., Osborn of F., Osborn of U., Parker, Perry, Perviance, Rippey, Rush, Sands, Shiveley, Spann, Stewart, Thompson, Warriner, White, Wilson of M., Wilson of W., Zenor, and Mr. Speaker—61.

Those who voted in the negative were:

Messrs. Arnold, Atherton, Baker, Bennett, Buckles, Campbl, Cox, Davis, Dunn, Foster, Haddon, Hamblen, Hunt of R., McGaughey,

Morgan, Nelson of B., Nelson of M., Robinson of J., Robinson of Ripley, Robinson of Rush, Wheeler, and Woodard—22.

So said bill passed.

Ordered, That Mr. Butler inform the Senate thereof.

Mr. Parker made the following report:

MR. SPEAKER—

The committee on the judiciary to whom was referred bill, No. 252, of this House, relative to "the redemption of land mortgaged to the state, and sale of equities of redemption," according to order have had the same under consideration, and have directed me to report, that they are of the opinion, that all the material objects of the bill are now attainable, either in our courts of law, or chancery; and that further Legislation, at this time, on that subject, is deemed inexpedient.

The report was concurred in; and the bill,

No. 252, mentioned in said report,

On motion of Mr. Parker, was indefinitely postponed.

Mr. Morgan made the following made the following report:

MR. SPEAKER—

The committee on roads to whom was referred the petition of Abisha Taylor and others, praying for the location of a certain state road in Porter and Lake counties, have had the same under consideration, and directed me to report it inexpedient to legislate on the subject.

On motion,

The report of the committee was concurred in.

Mr. Lane, from the committee on canals, and internal improvements, made the following report:

MR. SPEAKER—

The committee on Canals and Internal Improvements, to whom was referred so much of the Governor's Message as relates to that subject,

REPORT:

That the subject to be considered, whether in reference to the past, the present, or the future—whether in reference to the magnitude of the undertaking, or the interests involved, the committee feel themselves imperiously called upon, from the alarming situation of the country, the state of public feeling, and of public expectation, to give a brief but full history of the system of internal improvement, exhibiting at once in honest and bold relief, its premonitory symptoms, its

confirmation by the passage of the bill, the means employed to accomplish it, its prosecution, its sudden prostration and truly tragical end; its certain and inevitable effects upon the independence and happiness of the present and coming generations, and upon the credit and honor of Indiana. This becomes the more necessary from the fact of its having been recently urged, by high authority, in official documents, that the internal improvement bill was forced upon the constituted authorities of the State by the unanimous voice of the people, and its passage hailed with shouts of joy, and with illuminations from the capital to the utmost verge of the State—that these manifestations of joy and shouts of gladness were re-echoed from every other State, and spoken of as an event that was to consummate the happiness of the people, increase their fortunes, perpetuate their independence, and insure to Indiana higher honors and a brighter career of glory.

The only unerring rule by which to test the wisdom or folly of any important measure touching the public interest is, to determine whether its private and public benefits will more than balance its injurious effects upon the same, or any other interests. If its benefits do not appear manifest at first blush, to greatly preponderate, every wise man, every prudent ruler, would pause and stay his hand.

No honest, wise, or prudent executive would urge upon the co-ordinate branches of legislation, by a message, the adoption of an important measure, concerning the benefits and success of which, a doubt by possibility, could exist. Three things are necessary and essential to the success of an undertaking, whether they have for their object to advance the fortune of an individual, or to improve the condition of the people of a State or nation. That it be conceived in wisdom, based upon the possession of adequate means to accomplish the object, whether those means be of a physical or pecuniary character; and that it be executed with prudence and skill. To plan with wisdom is to include the means. Yet the wisest plans may be defeated, in the want of prudent skill in the execution; while on the contrary, no human skill or prudence can prosecute to a profitable or honorable termination, that which has been conceived in weakness and folly. In the former case, he that plans, and in the latter, he that executes, finds an ample apology. Very different indeed stands that individual, that public officer, that executive, whose head conceives, whose will controls and moves the hand that executes the plan, that terminates in the oppression of the people, in bankruptcy and ruin, the loss of public credit and honor of the State. For such a man, for such a public servant, for such a ruler, no excuse, no apology remains to be made. The wounds inflicted upon private and public interests, upon the credit and honor of the State, rest and abide upon him without a palliating circumstance to turn aside the justly awakened current of private and public indignation of present and future generations.

The board of internal improvement, in their recent report, (p. 17.) after laboring to throw all the blame of originating the measure, and

its management, from themselves upon the legislature and the people, say: "These facts belong to the history of the measure, and are referred to, to show that it was one originating with, and sustained by, the people; and that the obligations incurred were created by the authorized agents and representatives of the people of the State." The injustice of these remarks towards the people and their representatives is so obvious, that it cannot, and ought not, to pass unnoticed, in a report having for its object to lay before the public its origin and true character.

It has been recently urged by authority, that a former executive had set this *ball* in motion, by speaking of it in his official messages. It is true, it was spoken of, not as a *system* but in the abstract; not recommended or urged upon the General Assembly, or the people; and it is equally true, that so far from having produced any action, it was looked upon as the ebullition of a disordered mind. These flourishes in his excellency's messages, so far from being the premonitory symptoms of this most fatal disease upon the body politic, were not even the shadows of it.

For the causes that have produced all the difficulties under which the people of the State are groaning, it is not necessary to travel beyond the close of the year 1834.

To put this question forever at rest, it is only necessary to quote that portion of the Governor's message in relation to a general system of internal improvements, delivered to both houses of the General Assembly on the 2d day of December of that year, in which he urges upon the legislature and people, in all the force of language and official influence, not only the ability of the State, but the necessity of engaging in it. In reference to this he says, "While our credit is justly such as to *command any amount of capital*, at an interest of five per cent. or less, no good reason can be assigned why we should longer hesitate to follow the successful examples of other States. New York, Pennsylvania, and Ohio had, at the commencement of their works, which have *enriched* their citizens, and done honor to the sagacity and enterprize of their projectors, but little more means or resources than their public credit, which enabled them to obtain in the money market such sums as they needed." And again, in reference to the necessity, he says: "This is not mere speculation; it is theory based upon reason, and abundantly verified by facts and experience."

"With a view of engaging in works of internal improvement, the propriety of adopting something like a general plan or system, having reference to the several portions of the State, and the connexion one with another, naturally suggests itself. "No work should be commenced, but such as would be of acknowledged public utility, and when completed, would form a branch of some general system. In this way only, can any permanent public advantage be realized, the people generally benefitted by the expenditure, and the imputation of partial or local legislation be avoided. In view of this object, the

policy of organizing a Board of Public Works, is again respectfully suggested. Such a board, acting with a view to the general interest of the State, would only sanction such as were capable of being extended, and connected with each other upon some general plan, so as to open communications between the most important points, and subserve the general interest of the people."

This was at the close of his Excellency's first term of service. This was the word of command that gave form and motion to the system; and such was its influence, that like the thunder that follows the lightning's flash, it was obeyed. Four days after, and before the reading of the Message had ceased to vibrate upon the ear of the members, we find Mr. Vawter of Jennings introducing the following resolution to carry out the Message. Journal, p. 60.

"*Resolved*, That the committee on Canals and Internal Improvements be instructed and directed to report a bill authorizing the canal fund commissioners to borrow on the faith of Indiana, one million four hundred thousand dollars, in Europe or elsewhere, provided the interest on the same does not exceed four and a half per cent. per annum, reimbursable at any time after thirty years, and within fifty years, pledging the three per cent. fund for the payment of the interest on the sum borrowed, the money to be borrowed to be advanced as needed in the construction of railroads from and to the following points, to wit: From Evansville to Lafayette, \$200,000; from Lafayette to Michigan City, \$200,000; from Madison to Indianapolis, \$150,000; from Indianapolis to Lafayette, \$150,000; from or near the Falls of the Ohio river, near to a point of intersection on the Madison and Indianapolis railroad near Columbus, \$100,000; from Lawrenceburgh to Indianapolis, \$150,000; from New Albany to Terre Haute, \$180,000; from Leavenworth to a point of intersection on the New Albany and Terre Haute railroad, at or near where the same may cross the East Fork of White River, \$70,000; from Connersville to the county seat of Huntington, \$200,000."

This resolution, the mother of all the evils under which the State now labors, bears upon its face a total want of information of its author in relation to the subject. It makes an appropriation of \$1,400,000, to construct, in conjunction with private enterprize, more than *one thousand miles* of railroads, which would have required an expenditure of *forty-four millions* of money to complete them, which at six per cent. per annum, simple interest, would have amounted to a sum of, in 25 years, \$110,000,000

and according to the principles of the funding system,
in the same time, to the sum of

\$195,000,000

This is proved by the average cost per mile of nine of the principal railroads in the U. States, as appears from the annexed table, to wit:

Boston and Worcester railroad,	-	-	\$37,000
Boston and Providence,	-	-	42,000
Western,	-	-	34,000
New Jersey,	-	-	45,000
Camden and Amboy,	-	-	40,000
Columbia and Philadelphia,	-	-	40,000
Alleghany and Portage,	-	-	45,000
Albany and Schenectada,	-	-	61,000
Stonington,	-	-	52,000
Average cost per mile,			44,000

The only apology for the individual who introduced this resolution, to screen him from public censure, is to be found in the fact, that he could have had no conception of the extent or expense of the works enumerated in it; and from the further fact, that it was but the echo of the message. This resolution was referred, and a bill reported and passed on like a ball, gathering strength at every turn, until the bill from the Senate, (No. 111,) was reported, known, and distinguished as the *Survey Bill*, both father and mother of the *Mammoth Bill* of 1836, (Jour. p. 458.) The bill of the House was laid aside, and the bill of the Senate forced to its final passage the second day after. (Jour. 501.) by a vote of 52 to 23, and what is more remarkable than all is, that the resolution and the bill of the House, and that of the Senate, which took its place, were sustained throughout by a similar vote, and with few exceptions by the votes of the same individuals, the ayes and noes having been called and taken some eleven different times. Again, there is a still more remarkable incident in the votes as recorded in favor of each of these measures. The four first names as they stand, do not only rhyme, but to repeat them is music. The first, second, and fourth, always keeping their place, while the third changes from one to the other side in so just a proportion as to give beauty to the poetry, and sweetness to the sound.

The object of this bill was to have the lines of public works specified, surveyed, and estimates made, not of their *probable*, but certain cost, and reported for the action of the Legislature,—such as, concerning which the Governor could speak with certainty, that the Legislature could act upon advisedly, and knowingly—such as would enable the people to know how far their farms were to be mortgaged to foreign capitalists.

This brings us to an important period in the history of this interesting subject,—to a period, when your committee, in justice to themselves, to the House, and to the people. and to posterity, should speak freely and fearlessly of the means employed to procure the passage of the *Mammoth Bill* of 1836. A bill so premature in its birth, so unfortunate in its march, and so agonizing in its death—a bill so oppressive to the present generation, and that promises to be so desolating to posterity.

The surveys had been authorized, and were in progress. It then became important for the friends of a general system of internal improvement, and those who had set this ball in motion, to prepare the public mind for its consummation, by the passage of a law for that purpose, and an appropriation amply sufficient to complete their construction.

To do this successfully it became necessary to impress the public mind that they would cost but a small sum, and to pay the interest and principal of which they should never be taxed. That so far from being taxed, the people and the State would be enriched by the revenues arising from their tolls and other privileges—that they would not only enrich the State, but by the time contemplated for their completion, pay the interest and principal and leave more than *four millions* of dollars in the Treasury. This appears in a report of the committee of the House on Canals and Internal Improvements. By his Excellency, in his message to the legislature, the people were told that it would never be necessary to tax them more than fifty per cent. upon what they then paid, which was five cents upon \$100. Nor was this all—a State Internal Improvement Convention assembled at Indianapolis in the summer of 1835 and published an address in pamphlet form to the people of the State, giving the same assurance of ample means, on the part of the State, without taxation; and that both people and State would be enriched by their ample revenues. Candidates for office held out to the people the same assurance of prosperity and wealth that awaited them on the passage of the bill and the completion of the works.

The Governor in his Message, delivered on the 8th December 1835, to both Houses of the Legislature says,

“If after you shall have had a full and free conference upon the subject, you agree with me in the opinion, that the public policy, public interest, and public sentiment, require of you a liberal expenditure in the improvement of the condition of the State and of the people it will be for your better judgment to determine the extent of the investment: I will not, however, withhold the opinion that you may safely expend the amount of *ten millions* without calling on the present or future generations for the *payment* of any portion of the principal under the process of taxation. But to sustain an enterprize of such magnitude, a suitable provision should be made for the payment of interest on the loan, one million of which would be needed the first year, and about an equal sum annually, until the work shall be finished. The additional revenue required to meet the interest on the loan, would increase the whole amount of tax now paid by our citizens, one half; that is he who now pays one dollar, would have to pay the further sum of *fifty cents each year*.”

The committee on canals and internal improvements speak in still more flattering terms.

“The policy your committee approves has no avowed opponents; and leads directly to the advancement of the general welfare; and time

has already demonstrated its correctness by showing a practical illustration in the irrefutable experience and example of sister States. It is known that under much less auspicious circumstances, similar works have been effected, and are yet in progress, advancing the agriculture, commerce, manufactures, population and wealth, of the citizens of every State concerned. We know that the Erie canal, without the other connected works, all of which are profitable, cost the State of New York about eight millions of dollars, and when it was commenced, that State had neither comparative means nor inducements greater than ours. We have now estimates from undoubted authority, showing that the profits of the tolls, water power, &c., will not only liquidate the entire amount of the debt, created for its erection, within the time stipulated, but at the expiration of that time will have returned a surplus of more than *four millions* to the State Treasury, which has stood pledged for the sums borrowed."

The address of the internal improvement convention is equally flattering in its assurances.

"To prove that she has the means, it will be necessary to set forth the extent of her natural resources, as sufficient to justify the contracting of loans, to the amount the proposed works will cost, to show the amount of taxes necessary and also to show ample means for the regular payment of the interest on the loans until the works themselves be sufficiently productive to pay not only the interest, but principal of the whole sum which they will cost." And again: "A tax on the present property of the State, that would raise \$80,000 for an internal improvement fund, would, with the tolls, be ample to meet all the requisitions from the Treasury, to pay the interest on the canal loans, without using any part of the principal for that purpose, and this amount would not be fifty per cent. of an increase on the taxes which the people now pay; and without any addition of rate hereafter, be sufficient to meet promptly all the exigencies which this extended system will require."

These are some few of the means employed by official authority to consummate the passage of the bill.

There is one feature connected with the means employed to accomplish the object, more extraordinary than all, because more difficult to reconcile with official duty and integrity. It will be recollected that the survey bill was passed for the sole purpose of ascertaining the actual expenditure that would be required in the construction of the works introduced in the bill. It will also be recollected that these surveys and estimates were reported to the Board before the delivery of the message, and subject to inspection, and that these estimates were matters of fact about which it was impossible to be mistaken. His excellency recommended the passage of the bill, and an appropriation for the completion of them all, of ten millions of dollars. From this fact, the Legislature passed the bill, appropriating to each work a sum supposed to be the estimated cost of its construction, in all amounting to the exact sum named by his excellency.

This fact becomes the more astounding, when we cast our eyes over

the report of the engineers, and find that the estimated cost of the works contained in the bill, amounted to \$15,949,389, for the construction of 1329½ miles of canal, rail road and turnpike. His excellency in his message, referred the Legislature to this report. To presume his excellency did not examine the report, would be unreasonable; while to admit the fact, his conduct is still more difficult to reconcile with official duty. The committee are therefore driven to the necessity of believing his excellency to have overlooked so important an item as the amount to be expended in the completion of the works; or that he did not distinguish the difference between \$15,949,389 and that of *ten millions*; or that he presumed upon the intelligence of the Legislature, by supposing they would take it for granted from the suggestion that ten millions was the sum required, and would never look at the report; and that an expenditure of ten millions would from necessity require the further expenditure of six millions; and therefore to ensure the passage of the bill, it was necessary to mention the smaller sum, for fear the Legislature and the people would take the alarm. Such a motive would be unworthy of such an officer, and therefore inadmissible. Admitting that his excellency and the Legislature were both apprised of the fact, the problem is still more difficult to solve. For, to make an appropriation of ten millions to construct 1329½ miles of public works, which, both the Governor and the Legislature knew would cost *sixteen millions*, would be deception, or absurdity, or both. Be this as it may, one thing is certain. It had the desired effect, if such desire ever existed any where, of making the impression here and elsewhere, that the original estimates were *ten millions*, and *ten millions* only; and until a recent period the understanding has been general, that ten millions only would be required to complete the public works contained in the bill of 1836. (See report of chief engineer of 3rd January, 1840, appended to this report, and marked A.)

Not less inconsiderable with official qualification and integrity is the further fact, connected with this part of its history. In the right and last column of the same report, we are told by the engineer, that, to complete these very works, that all believed would require but ten millions, and by the estimates to cost but sixteen millions, it will require an expenditure of \$20,563,966; and this is the more surprising from the fact that since the first estimates, and before the second, the character of several of the works had been changed so as to diminish the expenditure. Again, the same engineer in his report to the Legislature of 12th January, 1839, informs the Legislature and the people that an expenditure of *twenty-three millions* will be required to complete the several public works.

From these messages, this bill, and these reports, the Legislature and the people are first informed, that ten millions only will be required. This is echoed from the halls of Legislation. In the report before both houses we are told that sixteen millions will be required—then that twenty-three millions will be called for;—and again, that \$20,563,966 will suffice. These things may be justified by those who

handle the money, or look upon millions as trifles; but by the people, who pay all, they will be viewed in a very different light.

The committee have now arrived at a resting place in this most interesting history. The bill has become the law of Indiana. The mammoth has not only been conceived, but born, by the means and in the manner aforesaid.

Was it conceived in wisdom? has it been prosecuted with prudence and skill? These are questions easily and briefly answered. The system of internal improvement was recommended and adopted prematurely and without reflection, in the absence of all means to accomplish it. In the bill the power to borrow money is given, it is true; but no mention is made, much less provision, for the payment of principal or interest. The State had no surplus revenue, and no sources of revenue, other than taxation, nor was this, as a means for paying either, mentioned in the bill. It is a fixed principle in finance, that the same bill that gives the power to borrow money upon the credit of a State or nation, should set apart and provide the means for the prompt payment of both principal and interest.

This, however, it is believed, would at once, have defeated the passage of the bill. If, in that bill had been incorporated, a provision for the payment of a tax of 30 cts. upon the \$100, based upon the assessment of every kind of property, real and personal, it would have had but few, if any advocates. Hence no such provision is found in the bill; not even mentioned in or out of it.

Then it was not founded in wisdom, because it did not include the means for its accomplishment. Therefore no prudence, no human skill in its prosecution, could have saved it from its equally premature end. If however, it originated in weakness and folly, its prosecution has been still more unfortunate and fatal to the interest of Indiana.

It is true, the system has been fixed upon Indiana. It has been prosecuted, and it is equally true, it has fallen in the hands of its friends, and now lies powerless and lifeless, unhonored and unwept.

The committee are of opinion, that however little of wisdom there may have been in its adoption, there has been less of prudence and skill in its prosecution.

The most fatal error in the bill, was the provision for the prosecution of the works. Each work was to be conducted by a commissioner interested in its prosecution, regardless of the whole; hence local interest and sectional feeling triumphed over public good. To this source we may attribute the numerous lettings, unconnected with each other, on the several works. In this view of the case it is not a forced construction to say, that it appears to have been the first object to obtain the appropriation of the very inadequate amount of ten millions, and expend it in such a manner on all the works in detached parcels, as to secure further appropriations in order to save that which had been expended. A single instance will fully illustrate this proposition. To the Madison, Indianapolis and Lafayette Rail Road, 158 miles in length, was appropriated in the bill as part of the

ten millions, \$1,300,000. This sum was supposed by all to be an amount sufficient to complete that work; yet we find in 1839, that sum expended, and an appropriation of \$400,000 more asked for and obtained, and yet, twenty-four miles of that work are not completed. From the Governor's message of 1838, we make the following extract:

"We find ninety miles of the Wabash and Erie canal, thirty-one miles of the White Water Canal, twenty-three miles of the Indianapolis division, and twenty miles of the southern division of the Central Canal, twenty-two miles of the Madison and Indianapolis Rail Road, and forty-one miles of the New Albany and Vincennes McAdamized road completed and ready for navigation or use in the spring."

These works, said by his Excellency to have been completed on 3d December, 1838, in the aggregate amount to 227 miles, to complete which, as appears from the report of the auditor of the same date, cost 4,644,150 dollars, which shows beyond doubt, that to complete the whole embraced in the bill, and upon which appropriations have been made, and monies expended, it will require more than twenty-seven millions of dollars, which at simple interest, will amount in 25 years, to more than 67 millions.

This being the case, it is in order to inquire how much the State is in debt, upon bonds sold for internal improvement purposes, how much to the bank for advances, and how much is still due contractors.

It appears from the report of the Fund Commissioner, L. H. Scott, to the close of the year 1839, that bonds for the purpose aforesaid, have been sold to the amount of, including 455,000 dollars sold

to the Madison Company,	\$8,629,000
Due the bank for advances, as appears by the Governor's Message,	641,200
Due to the contractors, including damages, to be estimated, supposed to be	1,500,000
Total,	<u>\$10,770,200</u>

It appears from the reports of the Auditor to 31st October, 1839, that there has been expended on the public works the sum of

	\$6,129,082 50
Of this amount, it appears there was paid for construction, the sum of	4,265,488 08
And for contingencies the sum of	<u>\$1,863,594 42</u>

This table at once exposes the great error, or deception, of all the estimates made by the engineers. They estimate the construction, and allow but little for contingencies. One thing is certain, the fault is in the estimates, or in the manner of disbursing. This is evident from the report of the engineers annexed. In the expenditure of

\$20,563,966, he only allows for superintendence and contingencies 896,000 dollars, while, by the Auditor's report, it appears to have cost double that amount to disburse six millions; and by the same rule, in disbursing the twenty millions, but little more than two-thirds of the amount will be expended on work actually done, the remainder being exhausted in salaries, superintendence, &c. &c.

The next branch to be considered is, in the opinion of the committee, the most delicate and responsible of all,—the promised revenues arising from the public works when finished.

This is matter of opinion, and can only be settled satisfactorily by comparing the works of Indiana with those of other States. It is a subject in which the public at large have been misled more than upon any other connected with the system. Nor is it the people alone who have been deceived. Public men have been, and are deceived, and are deceiving themselves, if they believe one half they say. Governor, committees, engineers and all, have been engaged for years in holding out the delusive hope that the works, as soon as completed, would be sources of revenue; and this delusion is the argument that has sustained the classifier—that one finished, would, by its revenue, aid in the construction of a second and a third. As a remedy, this is conceived to be worse than the disease, and is put at rest on showing that no one work in the State, when completed, will sustain itself in paying for repairs and the interest on the sum expended in its construction; and it is believed that the public works in no one State, taken as a whole, have sustained themselves.

We will readily concede, that it is not a satisfactory argument against the construction of a public work, that it will not yield a revenue over and above the payment of repairs and interest. On the contrary, it would be wise and proper for a State, with revenues to sustain her, to engage in the enterprize, for the purpose of affording those at a distance, facilities for the transportation of their surplus produce; and though the work might be an expense upon the whole people, it would have a tendency to enrich the State. But for a State without any other resources than taxation, to engage in a general and extensive system, would be the height of financial folly. Such has been, and such is the system in Indiana. It was commenced without means, and has ended in the ruin of the people, and in the loss of public credit, at home and abroad,—with a debt of *ten millions*,—without the slightest prospect of realizing the first dollar over and above what will be necessary to keep those finished in motion. There is one fact in relation to this subject that cannot be concealed from the people, because all will realize it to their sorrow; which is, to pay the interest upon our foreign debt, they will be taxed annually for an interminable period, more than five hundred thousand dollars.

The Governor in his message, as referred to in this report, speaks of the New York canals as enriching the State, and the chief engineer, in his report of 12th January, 1839, says: "The estimate of tolls of future years, must, from the nature of the case, be in some degree conjectural. In making it up, I have had reference to the actual re-

ceipts of tolls on other similar works, for corresponding years after their completion. So far as there is similarity of situation and trade, to warrant a comparison, this is the safest guide. It will not be fair to take the receipts from those improvements, which from their local and general direction, form the great thoroughfares between the east and the west, such as the New York canal, or the main line of the Pennsylvania improvements, as a basis for extending the profits of the Indiana Improvements. The Ohio canals are more like those of Indiana in their location, their objects, and the nature of their trade, and are therefore considered a safer standard with which to compare the canals of the State, in respect to the probable tolls.

The Governor, and Chief Engineer, Mr. Williams are equally unfortunate in their reference to the New York canals, as will appear from the Comptroller's report made to the legislature of New York Jan. 3, 1839, in which he says, (pp. 26 and 27)

"The prosperous condition of the Erie and Champlain Canal Fund leads to erroneous estimates respecting the resources of the canals, distinct from the auxiliary revenues, with which they have been aided. The other canals of the State are not only much less favorably situated than the Erie canal, in regard to revenue from tolls, but they are entirely destitute of auxiliary funds. Some idea of their condition in a pecuniary point of view, may be formed by showing what would have been the condition of the Erie and Champlain Canal Fund, at this time, if money had been borrowed for the construction of these canals, and the fund had depended solely on the tolls to pay the debt. A statement has been prepared, and is appended to this report, which shows that if the Erie and Champlain canals had been deprived of the benefit of the auxiliary funds which were originally pledged for the payment of the money borrowed, there would have been a debt against these canals on the 30th September, 1838, after deducting the surplus of the present year, of \$8,549,069, and in this estimate the Erie Canal has all the benefit of the contributions to it in consequence of the construction of the lateral canals."

"The original cost of the Erie and Champlain canals, that is, the sum actually expended in constructing them, was \$8,401,394 12. Thus it is shown, that in the operation of borrowing; expending and reimbursing the cost of the Erie and Champlain canals, confining these works to their own resources, the debt at the end of twenty-one years would be \$57,675 greater than the whole sum originally expended in constructing the canals."

Mr. Williams and his Excellency are still more unfortunate in their reference to the revenues of the public works of Pennsylvania. The Governor of that State, in his Message, the committee on canals and internal improvements, in their report, and Mr. Buchannan in his published letter, say,

"That their public works as a whole, do but little more than keep themselves in repair, and in motion; and that the State will have to borrow, annually, *one million* of dollars to pay the interest on their foreign debt."

Again:—Mr. Williams is still more unfortunate in his reference to the revenues of the public works of Ohio, with a view to satisfy the people of Indiana, that ours were similarly situated, and would be equally productive; we say unfortunate, because he will be presumed to be more familiar with the Ohio works, than with those of Pennsylvania and New York; the more especially, if Charles Hammond, Editor of the Cincinnati Gazette, be considered good authority. In his paper of June 25th, 1839, after publishing the facts in relation to their public debt, and the revenues of their public works, as obtained from the Auditor of State, in the conclusion of his remarks, he says:

“The interest upon the foreign debt of the State must chiefly be paid by *direct taxation*. The public works, as a whole, promise little more than to keep themselves in repair, and in motion. Seven hundred and fifty thousand dollars must be annually assessed and collected, to be paid out in interest. Even this sum may not be sufficient. Should not the true state of the case be made known to the citizens of the State? Let each land holder understand that his farm is encumbered with a debt of interminable duration. It may be a means of stopping the mischief of incurring debts without stint or measure, for that seems to be a case in which public men cannot act in conformity with their own convictions of right. They feel the necessity of stronger restraint than their own discretion.”

The committee on canals and internal improvements, are still more unfortunate in their reference to the lateral canals of New York, in saying (p. 4) that they are profitable. The lateral canals of New York are five in number, and in the aggregate 200 miles in length. The following table will show the deficiencies of each for the fiscal year ending September 30, 1838, and the aggregate deficiencies of the whole, to the same period, taken from the comptroller's report, before referred to, pp. 57 and 58.

“The sums drawn from the Treasury to make up deficiencies in the revenues of the lateral canals for the year ending 30th September, 1838, are as follows, viz:

Oswego canal	-	-	-	-	\$54,460 70
Cayuga and Seneca	-	-	-	-	15,517 62
Chemung	-	-	-	-	29,833 11
Crooked Lake	-	-	-	-	10,037 55
Chenango	-	-	-	-	136,042 97

The aggregate deficiencies of the lateral canals which have been paid from the Treasury since the completion of the canals, are as follows, viz:

Oswego	9 years	-	-	-	\$226,316 19
Cayuga and Seneca	9 years	-	-	-	110,346 80
Chemung	6 years	-	-	-	190,513 99
Crooked Lake	5 years	-	-	-	52,228 54
Chenango	2 years	-	-	-	238,792 13

Total	-	-	-	-	\$818,197 65”
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These are the deficiencies over and above all the tolls and revenues collected upon these works from their completion to 30th September, 1838. Yet we are told, and the people have been assured again and again from high authority, that these very canals are productive in point of revenue; and by the engineer, in his report, as recited, that "it will not be fair to compare those of Indiana with those of New York."

It will be seen, further, that the people have been assured by the Executive, and in official documents that New York commenced her public works upon her public credit, "and without means or inducements greater than ours." So far from this being the fact, the act that created a Board of Commissioners, and authorized them to commence the Erie and Champlain canals, set apart a fund for the payment of interest and principal, as is shown by the following extract from the report of the commissioners of canal fund, of January 4th, 1837, p. 8.

"The auction and salt duties were transferred from the General Fund, to the Canal Fund by the act of 1817, which provided for the commencement of our system of internal improvement; and during a period of nearly twenty years, these sources of revenue have yielded to that fund the sum of \$5,647,497 11, being \$392,626 41 more than the whole sum paid for interest from 1817 to the 30th September, 1836, on all the money borrowed for the construction of the Erie and Champlain canals."

This is still more clearly demonstrated in the following extract from the Albany Argus, published at the seat of Government of New York, June 27, 1839. In speaking of the disposition of the public to adventure largely into internal improvement, without counting the cost, the writer says,

"So far from having repaid its cost, had not the Erie canal received the benefit of the auction and salt duties—sources of revenue belonging to the people of the *whole State*—the debt for its construction would at this moment have been more than its whole cost, or more than \$8,000,000. In other words the Erie canal, possessing advantages, and yielding a revenue beyond any other canal in the world, *has not as yet, done any thing more than to keep itself in repair, and pay the interest on what would have been its debt*, if, instead of using moneys belonging to the whole people, the means to construct the work had been borrowed. The debt has been provided for, not from the tolls of the canals, but from the auction and salt duties, which were originally directed from the general fund for that purpose, and, having accomplished that object, have been restored to that fund, and are now used for the ordinary expenses of the government."

There is another feature connected with the prosecution of the public works in Indiana, which distinguishes it from the course uniformly adopted by every other State in the Union, and which is perfectly irreconcilable with legislative duty. Since the passage of the bill of 1836, the committee on canals and internal improvements have never made and published a report; and this is the more strange, from the fact, that up to that period, it was uniformly done. And it is believed

by the committee, that the first instance is to happen in any other State, having a system of internal improvement, in which it has been omitted at any one session. The legislature has been left to glean from the messages, and the reports of the board and engineers, the facts in relation to the manner in which the system has been prosecuted; while the people have been left without information. All has been trusted to men engaged in prosecuting the works, in borrowing and disbursing the money, and whose motto seems to have been, "*disclose nothing—conceal all.*"

To prove that this motto has not only been adopted, but observed, it is only necessary to refer to his excellency's message, delivered on the 4th Dec. 1838, in which he says in the most emphatic language, "Thirty-one miles of the White Water canal, and twenty-two miles of the Madison and Indianapolis rail road are completed and ready for navigation or use in the spring." And again, to his message of 3d Dec. 1839, in reference to the same subject, he says, "The tolls collected on the Madison and Indianapolis rail road, for the six months it has been in operation, amount to \$8,470, and on the White Water canal \$620.

Upon the mind of a plain honest man, these statements, the one of Dec. 4, 1838, and the other of Dec. 3, 1839, could but leave the impression, that the 22 miles of the rail road were not only finished, but that the State had realized a nett revenue from the tolls of \$8,470, the first year after its completion; and that the 31 miles of White Water canal were also finished as stated, and that to 3d Dec. 1839, the State had realized the sum of \$620. These statements are thrown upon the public in his Excellency's messages, while in accordance with the motto, he conceals the more important and thrilling facts in relation to these works, that in the same period, while the State is said to have realized \$8,470 tolls upon the one, and \$620 upon the other, it had paid out upon the rail road, within the time and upon the distance aforesaid, the sum of \$129,400, and upon the canal the sum of \$89,586, in all \$218,986. From this aggregate, deduct \$9,090, the amount of revenue reported to have been realized by the State, and we have a balance against the State of \$209,896. This sum has to be taken from the pockets of the people by *direct taxation*, to sustain 22 miles of rail road, and 31 miles of canal, the first year after their *reported* completion. These statements and these facts by reference to two reports from the board of internal improvement, the one dated 15th, and the other 20th January, 1840, marked B and C, and appended to this report, are proved.

These are the results, which, in the language of his excellency, are to ensure present and future generations against "being called upon in the way of taxation, to pay any portion of the money borrowed for the construction of their public works." These are the tolls that were to enrich the State, and advance the prosperity and independence of the people. These are the revenues that were not only to pay the interest and refund the principal, but to leave more than *four millions* in the treasury! This is the *glorious system of internal im-*

provement! These are the results of the bill, the very passage of which turned midnight darkness into noon-day splendor, accompanied with shouts of joy and gladness that made the "welkin ring."

This system, so full of joy and sunshine in its birth, so brief in its career, and so unfortunate and gloomy in its end, naturally suggests the enquiry, How did it find the State and the people of Indiana? To determine this question, it is only necessary to turn the mind back to 1835, '6 and '7, and read his excellency's message—to learn from official authority, that the people were in the full enjoyment of peace, independence, prosperity, and happiness. The march of all was onward and upward. The State of Indiana was one inclined plane—every avenue to immigration was full to overflowing—it poured in upon us, like the streams from an hundred hills upon the valleys. To be a citizen of Indiana, was to be respected and honored at home and abroad. The credit of the State was sound and full, and as the giant queen of the West, she was covered with one bright cloud of glory.

Indiana as she was, and as we find her now—how changed! What a falling off from all that was honored and great—to look upon her, is to weep—to think of her, to sigh—to take an extensive view of the people, is to cause the patriot's heart to sicken and bleed. A foreign State debt hanging over her, and resting upon her people; the system fallen beneath its own weight; and nothing left but an excavation here, and an embankment there; forests plundered, and quarries taken from their owners, farms divided and fields laid waste; engagements with contractors violated; laborers turned out of employ, for want of ability in the State to pay. The people in debt, and our courts crowded with suitors; property sacrificed; an inventory taken of the farmer's land, his flocks and his herds; of the merchant's goods, the mechanic's tools, and the widow's mite, by some rude assessor, and a collector of taxes darkening every cabin door. The industry of the citizen checked; the enterprize of the people slackened; a mortgage resting upon every land-holder's farm; the State without credit, and a dark cloud of dismay hanging over her territory.

What persons and what party have brought about this reverse of fortune is not for the committee to investigate or prove. It is a question for the people to determine for themselves. Were this state of things to rest upon and end with the present generation, we should feel relieved of more than half its weight. This is not, nor can it be the case. The State debt is a mortgage upon all the landed property of the State, in the hands of its citizens, and both in their nature are abiding as time. If the present generation groans under the weight of taxation to pay the interest, we can readily perceive its effects upon the next, upon whom the principal must fall.

This is an "incumbrance of interminable duration," against which, no industry, no human prudence on the part of the individual, could guard. It is thrown, against his will, upon his property, which he had fancied, would pass to his children unembarrassed.

Thus the committee find, and thus they leave the simple and unvarnished history of the mammoth bill, the system, its prosecution, its

end, and its friends and authors. It sleeps, and, *as a whole*, long and undisturbed be its slumbers.

Indiana is in debt—her credit doubtful, her honor in danger—her people embarrassed with debts of their own, and the taxes heaped upon them. But this is no time to despair. Let every native and adopted citizen of Indiana double his industry, observe the most rigid economy in his expenses, and go to work with renewed and increased energy, full of hope and confidence, and in her fallen fortunes, as a patriot, let him love her more, adhere more closely to her, and swear that her faith, her credit, and her honor shall be maintained, at every hazard. Let every Hoosier son “pledge his life, his fortune, and his sacred honor,” to stand by her in the hour of trial,—to pay the interest on the bonds sold, for which we have realized the consideration, and like a good citizen and patriot, let each bear his burden with patience. But on the bonds sold upon credit, for which nothing has been realized, let each make up his mind never to pay the first farthing of interest, or the first dollar of principal, until the full consideration shall be received. This course adopted, the day is not far distant, when her citizens will be extricated from their embarrassments, and Indiana stand forth in all her former splendor.

AMOS LANE, Chairman.

M. R. HULL,

H. B. MILROY,

M. R. SOUTHARD.

In conclusion, the committee would respectfully recommend, for the consideration of the House—

1st. That the Wabash and Erie canal, from Terre Haute to the State line, be prosecuted to its completion, at as early a period as shall be consistent with good policy, by its own legitimate means: and should Congress confirm the right to the lands selected for the construction of that portion, west of the mouth of Tippecanoe river, and the means so obtained prove inadequate to its entire completion, the State of Indiana, in good faith to the United States, will, as early as funds can be obtained upon reasonable terms, proceed to complete the said canal.

2d. That two of the public works be selected, in addition to the Wabash and Erie canal aforesaid, and prosecuted, provided the next General Assembly shall deem it expedient, and funds can be realized, or bonds sold at par for cash;—the preference to be given to those works which can be finished with the least amount of money, and which will yield the greatest amount of revenue,—to be determined by estimates made and sworn to by the chief engineer.

3d. That the board of internal improvement, the engineer department, and the board of Fund Commissioners be reorganized, and one Commissioner, and one Chief Engineer be elected by joint ballot of both Houses, to possess all the powers of the present, with authority to

appoint one assistant engineer, to take charge of the Wabash and Erie canal; and one Fund Commissioner, to be elected in like manner, to serve the same term, and possess all the powers of the present board—each to have a salary of \$1,000 per annum.

*Report of Chief Engineer in relation to the original and present estimates
of the public works.*

OFFICE OF THE CHIEF ENGINEER, }
Indianapolis, Dec. 31, 1839. }

To the Hon. the House of Representatives:

In answer to a resolution of the House of Representatives of the 24th inst., requesting "a full statement, showing the amount of the original estimates of each work authorized by the internal improvement act of 1836; the appropriation made on each work by said act; the present total estimated cost of each work, based upon the contract prices; the estimated amount of work done and the amount yet to be done to complete each work; stating the prominent causes if known to him, which have swelled the actual cost beyond the original estimate; and the length of each work according to the last and most approved survey, from the point of its commencement to its termination," the undersigned has prepared the following:

TABULAR STATEMENT.

NAME OF WORK.	Length in miles including navigable feeders.	Original estimates before the Legislature of 1835—'36	Original appropriation by the act of 1836, included in the ten million loan.	Estimate of work done up to 1st Nov. last, exclusive of superintendence.	Estimate for completing each work, exclusive of superintendence.	Probable total cost of superintendence and contingent expenses.	Estimated total cost, when completed, including superintendence.
Wabash canal from Tippecanoe to Lafayette. (See Doc. of 1834—'35.)	14½	203,928		266,541	30,577	10,000	307,118
Wabash canal from Lafayette to Terre Haute. (See Doc. 1835—'36.)	98	1,067,915	1,300,000	31,210	1,245,790	75,000	1,355,000
Crosscut canal from Terre Haute to Central canal, (Doc. 1835—'36.)	49	629,631		336,825	351,847	30,000	718,672
White Water canal from Lawrenceburgh to mouth of Nettle Creek, (Doc. 1834—'35.)	76½	1,142,126		966,856	658,882	50,000	1,675,738
Connection between White Water and Central canal, (no original survey.)	40	550,440	1,400,000	0,000	320,000	15,000	335,000
Central canal from W. and E. canal to Indianapolis, including Muncietown feeder, (Doc. 1835—'36.)	124½	2,103,153	3,500,000	412,562	1,787,291	100,000	2,299,853
Central Canal from Indianapolis to Evansville, (Doc. 1835—'36.)	194	2,400,974		760,694	2,661,700	110,000	3,532,394
Erie and Michigan canal, (no original survey.)	182½	2,514,456		65,476	2,449,347	110,000	2,624,823
Madison and Indianapolis rail road, (Doc. 1835—'36.)	85½	1,094,484		1,095,888	1,026,993	85,000	2,207,881
Indianapolis and Lafayette road, (Doc. 1835—'36.)	73	899,944	1,300,000	56,144	507,593	30,000	593,737

New Albany and Vincennes McAdamized road, (Doc. 1835--'36.)	105	1,590,747	1,150,000	573,100	489,189	65,000	1,127,295
Jeffersonville and New Albany rail road, grading and track, (no original survey.)	44	83,036		124,266	42,534	8,000	174,860
Jeffersonville and Crawfordsville road, New Albany to Crawfordsville, grading and bridging, (Doc. 1835--'36.)	160	628,582	1,300,000	183,777	568,223	50,000	802,000
Jeffersonville and Crawfordsville road, New Albany to Crawfordsville, stone covering, (no original esti- mate.)		960,000		0,000	640,000	35,000	675,000
Joint improvement of Wabash rapids; one half of whole cost entered, (no original survey.)		80,000	50,000	6,023	86,472	10,000	102,500
Total on the works embraced in the internal im- provement act of 1836)	1199	15,949,389	10,000,000	4,882,373	12,866,438	783,000	18,531,811
Wabash and Erie canal. State line to Tippecanoc, authorized previous to 1836.	129			1,718,841	138,031	110,000	1,957,010
Steamboat lock and canal, mill races, &c. at Delphi dam: as directed by special acts of Legislature.				18,589	53,550	3,000	75,145
Total, embracing all the works authorized by exist- ing laws,	1329			6,616,803	13,058,025	896,000	20,563,966

EXPLANATION OF THE TABLE.

For the Erie and Michigan canal, and the connecting work between the White Water and central canals, no surveys had been ordered previous to the passage of the act of 1836; consequently, no estimate of their cost was before the Legislature, on the passage of that act. But it could not have been supposed that these works would be constructed without cost. The most reasonable supposition in these cases is, that the Legislature of 1836, in their preliminary deliberations, adopted the average per mile of the six canals reported, as the average cost of these routes. This average, amounting to \$13,761 per mile, has therefore been adopted in filling up the column of original estimates in the foregoing table, for those canals on which no survey had been made.

For the rail road between Jeffersonville and New Albany, no survey had been ordered previous to 1836. For the reasons above stated, this work has been carried out in the table at the average estimate of other rail roads.

On the McAdamized road from New Albany to Crawfordsville, no estimate for metalling was reported to the Legislature, but only an estimate for the grading. The act of 1836, however, directed the road to be McAdamized, and it is fair to presume, that in considering the cost of McAdamizing, the Legislature must have had reference to the estimates reported for metalling other roads similarly situated in regard to the convenience of stone for this purpose. This item has, therefore, been carried out at the average on the road from New Albany to Paoli, as then reported to the Legislature.

For the improvement of the Wabash rapids, no accurate estimate appears to have been before the Legislature in 1836. The sum of \$30,000 is carried into the column of original estimates, on the ground that this sum bears the same proportion to the amount appropriated, that the estimates bear the appropriations on other works.

The total cost of the several public works, or parts of works here named, on which no survey or estimate had been ordered previous to the passage of the act of 1838, but which were directed by that act to be constructed, amounts to \$4,187,932, as stated in the columns of original estimates.

Since the passage of the original act, the character of the road from Indianapolis to Lafayette, and also of the connecting work between the White Water and the Central canals, has been changed to a turnpike road, which makes a material reduction in the cost. The estimated cost of these roads, as stated in the last column of the foregoing table, has been carried out \$8,000 per mile; \$4,000 of which have been allowed for covering the roads with gravel, stone, &c., which is deemed sufficient to make a pretty good road, though not adequate to form a McAdamized covering, where stone is so remote.

On the New Albany and Vincennes Road, the total estimate, as shown in the right hand column, is made out upon the principle of

allowing \$4,000 per mile for the metal covering west of Paoli. This sum will form a very good road, though not sufficient to put on a regular McAdamized covering, which, from the scarcity of stone west of Mount Pleasant, would be very costly. This will account for the present estimate on this road falling below the original estimate.

By comparing the total of the two columns containing the original and present estimates, on the works embraced in the act of 1836, it will be seen that the latter exceeds the former by the sum of \$2,382,422. It must be remembered, however, that three of the works have been changed in their character, and a cheaper work is now estimated than was originally designed. Deducting these three works from both columns, and confining the comparison, as it should be, to those works which remain the same in their character, it will be seen that the present estimates, based upon contract prices, exceed the original estimates by the sum of \$3,567,521, which is equal to an average increase of about 28 per cent.

This increase of cost may be accounted for, on some of the lines, by the adoption of more permanent and more costly structures than were originally estimated. This remark will apply particularly to the White Water line. In making the original estimates of the locks on the upper division, sixteen of them, between Brookville and the National Road, were estimated of rough dry walls lined with timber. These locks are now being constructed of cut stone, and in the most permanent manner, by which change of plan the first cost of the canal has been increased as much as \$80,000: but the future cost of repairs will be much reduced by the change. No one who has observed the excellent quality of the stone, and the superior manner in which the locks are progressing, and who considers the future saving which will be realized in the cost of repairs, will doubt the propriety of this change.

A part of the large increase of cost on the Madison and Indianapolis road may be accounted for, in like manner, by the adoption of a heavier and more permanent iron rail than was originally estimated.

But the principal cause of the increased expense must be attributed to the very great advance in the cost of provisions and labor, from 1835 to 1838. That the cost of public works must always vary with the fluctuations in the value of labor, and of provisions for the support of that labor, is a self-evident proposition. The cost of these items always forms the main element upon which the engineer bases his computation of the cost of a projected work. Any great change in these elements, from the time of estimating the probable expense of a public work, to the period of its construction, must, of course, produce a corresponding change in the cost.

By reference to an authentic source of information, I have ascertained, that the average price of flour in the City of New York, (which to a great extent governs other markets,) during the years 1834 and 1835, was \$5.40 per barrel; while the average price during the years 1837 and 1838 was \$9.56; shewing an increase from the time when the original estimates of our public works were made, to the period

when most of the labor has been performed, of 77 per cent. The increase in the price of pork, in the same market, during the same time, has been 47 per cent.; giving an average increase in the cost of provisions of 62 per cent.

During the year 1834, common laborers were employed on the public works then in progress, for about \$13 per month. But in 1837, the average price paid by the contractors throughout the State, was near \$19 per month, as will be seen by a statement in my annual report of that year; which shows an advance in the cost of labor, corresponding very nearly, as it always must in this country, with the advance in the value of the leading products of agricultural labor.

These facts, it is presumed, will be viewed as a sufficient cause on most of the public works for the excess of the actual cost over the original estimates.

The first estimate of a canal or road, which should only be viewed as an approximation, is necessarily made from hasty surveys, and without the advantage of accurate cross levels, and for this reason it not unfrequently happens, that the accurate measurement of the quantities of excavation and embankment on the construction of the work, varies considerably from the original measurement. As the undersigned had no immediate charge or control of the original surveys and estimates, on which the bill of 1836 was based, (excepting on one of the canals,) he is not able to determine what part of the excess of cost is justly attributable to such variation in the measurement of quantities.

The excess of actual cost over the original estimates, it will be observed, is much greater on some lines than others. It appears to be larger on the roads from Madison to Indianapolis, and from Jeffersonville to New Albany, than on any other routes, amounting on each of these lines to more than 100 per cent.

In a special report submitted to the last General Assembly by the undersigned, the costs of all the improvements was estimated at \$21,000,000, exclusive of an allowance then made to cover repairs. The total estimate in the foregoing table, is less than the former estimate, by the sum of \$436,034, which is owing to the cheaper plan upon which the stone covering of some of the roads is now estimated.

Which is respectfully submitted,

J. L. WILLIAMS,

Chief Engineer.

Report of the Board of Internal Improvement.

OFFICE OF THE STATE BOARD,
Indianapolis, 14th January, 1840. }

Honorable James G. Read,
Speaker of the House of Representatives:

By a resolution of the House of Representatives, the Board has been directed to report the amount of money expended on the White Water canal, between Brookville and the Ohio river, since the 3d December 1838, for repairs, tow bridges, basins, tumbles, canal boats, attorneys' fees, and all expenses in completing said canal. And also incidental and contingent expenses, amount paid for damages, surveys, how much has been paid, how paid, amount due and unpaid, how much will be required to complete the same, and the amount of interest accruing upon the sum expended. To answer these inquiries it was necessary to send for information to the line, and having obtained it as far as could be without withdrawing the engineer from the new duties to be performed preparatory for the settlement with contractors at the appointed time next week, the Board has the honor of submitting the following reply. That there has been expended on the White Water canal, below Brookville from 3d December, 1838, to the present time as near as the State of accounts will permit an approximate to the amount, the sum of \$33,422 00

To-wit: under the head of construction	\$20,320 00
On bridges	5,380 00
In repairing breaches, building canal boats,	
strengthening the dams and canal banks	6,070 00
On account of damages, including attorneys' fees	1,456 00
Part of engineer salary	187 00

Making the sum of . . . \$33,422 00

The first item of \$20,320 00, under the head of construction, having been paid for since the 3d December 1838, it is of course embraced in the call for all the moneys "expended since that date," it is proper however to state that a considerable portion of the work was performed *prior* to the 3d December 1838, but too late in the season to be received under our established rules that fall, and which was estimated and received by the engineer in the spring, after the banks were settled, according to practice.

At the time of the organization of the new board, March last, there were outstanding contracts entered into by Gen. Long the commissioner, for the bridges over the pools of the dams at Brookville and Harrison, and for the races and cut-stone tumbles, to conduct the wa-

ter from the basin at the upper end of Lawrenceburgh, to the river. Towards these jobs, about \$6,770 00 have been paid since the suspension, which sum also constitutes a part of the \$20,329 00.

As the resolution calling for this report directs the board to state all the moneys expended in completing the canal "from Brookville to the Ohio river," it may be well to apprise the House, that the canal was commenced on the second bottom, at the upper end of Lawrenceburgh, a full quarter of a mile from the landing.

In compliance with the positive injunction of the 4th section of the internal improvement act of 1836, which expressly declares that the canal shall be constructed and completed "to the Ohio river at Lawrenceburgh," and to exempt the opening trade from the expense and delay of wagoning to and from the river, as stated in the report of the board, the necessary steps were taken to connect the trade of the canal with the navigation of the river. The additional new work necessary to accomplish the object is nearly completed, has been paid for as far as performed, and has cost for the State's part between 6 and 7,000 dollars. That sum is also embraced in the above sum of 29,329 00. Without arresting the examinations, making by the engineer to prepare the line for the settlement with contractors, the board cannot precisely state what is now due and unpaid, nor the sum required to complete the line. The ascertained balanced balances due, of any amount may be stated as follows:

On the Harrison bridge	-	-	-	-	\$1,856
On the Harrison dam for per centage and work done before					
December 1838	-	-	-	-	6,803
Bridge at Brookville	-	-	-	-	4,455
Superintendent and laborers hire about	-	-	-	-	2,000

The leading items of work yet to be done, may be stated as follows:

Cut-stone masonry, tumbles, &c., Lawrenceburgh and street					
bridges about	-	-	-	-	\$4,400
Bridge at Harrison	-	-	-	-	4,000

In answer to that branch of the resolution requiring the board to say "how the money has been paid," I have to state that upon the first failure to procure the usual supply of funds to pay the estimates of the contractors, their situation was represented to the Lawrenceburgh branch with a request that the bank would advance the money due to them from the State, which was done, amounting to 75 or 80,000 dollars, from which the payments due below Brookville was made in the usual manner. The contractors upon the bridge, and the jobs exposed to the floods of the river, being without means to proceed and secure what had been previously expended, an appeal was again made to that branch which resulted in an order unanimously adopted by the board, directing the cashier to pay the drafts of the acting commissioner N. Noble, to the amount of \$20,000, upon that order payments were made to contractors exceeding \$6,000, which sum was returned to the branch from moneys soon after set apart by the land commissioners, to save the public works at exposed and un-

finished points. The interest accruing upon the sum total 653,000 dollars as stated by the chief engineer, in the whole fund in his report will be 32,650 dollars.

Respectfully,

N. NOBLE, Pres't.

Report of the Board of Internal Improvement.

OFFICE OF THE BOARD OF INTERNAL IMPROVEMENT,
Indianapolis, January 15, 1840. }

To the Hon. the Speaker of the House of Representatives:

SIR—The State Board of Internal Improvement has been requested by a resolution of the House of Representatives, to report the amount of money *paid* upon the rail road between the top of the river hill and the town of Vernon, since the 3rd December, 1838, for repairs; for completing the road that distance; for iron, cars, locomotives, and every description of expense within the time and distance named; also how the money has been paid, how much is yet due and unpaid, with the amount of interest paid or to be paid upon the amount expended, embracing every description of expense to the present time.

In behalf of the Board, I have the pleasure to answer the foregoing, by reporting to the House that the accounts of the late commissioner, John Woodburn, Esq. have been examined; and as exhibited to the present Board they show that payments were made by him, within the distance mentioned, from the 3rd December, 1838, to the 1st March, 1839, to the amount of

\$15,800

And that the payments made by the present commissioner within the distance specified to the present time amount

to 41,000

Making in all \$86,800

The items comprising this aggregage of \$86,800 dollars are for grading, bridging, iron, castings for laying rails, sills, cross timbers, laying track, locomotives, freight on iron, cars, extra wheels, water stations, pumps, engine house and other buildings at depot, repairs, pivots, salaries of engineers, office rent, printing, paper, wood, and a small amount for damages. It is due, however, by the way of explanation to state, that although, in the language of the resolution, it appears that the moneys were *paid* since the 3rd December, 1838, yet nearly the entire amount paid out by Mr. Woodburn, and a considerable portion of that disbursed by the present commissioner, were for labor and materials procured prior to the 3rd December, 1838. On the rail road, as is the practice on other lines, work done late in the fall is not taken off the hands of the contractors; and from this cause, much of that which was finished in the fall and winter of 1838, was not paid for and reported until he settled his fourth quarterly account of that year, leaving a portion of the jobs, with the back per centage, to be adjusted, and brought into the accounts of the present commissioner.

Believing it to have been the object of the House, (although it is not so stated in the resolution,) to ascertain what had been paid for

labor and materials, procured *since* the 3rd December, an attempt was made to present such a view in this report, in addition to the one given; but the late commissioner being now in New York, the former engineer being turned out of office, and there being no necessary entries showing the amount of work performed in each month, on the books of the engineer or commissioner, no safe estimate can be made, distinguishing the work and materials procured subsequent to the 3rd December, 1838.

The debts due and unpaid, within the distance and to the present time, may be estimated at about \$4,600.

In answer to that branch of the resolution requesting the Board to report *how* the money was paid, I will inform the House, that the course pointed out by law was pursued by giving drafts on the fund commissioners, upon which the Madison Branch advanced the money.

The annual interest accruing upon the cost of the road between the points mentioned may be estimated at about \$42,600.

Respectfully,

N. NOBLE, Prest. Board.

A STATEMENT of the expenditures by the Board of Internal Improvement, on account of the Public Works of Indiana, from 31st Nov. 1838 to the 31st of October, 1839, as appears by the books of the Auditor's Office.

MADISON AND INDIANAPOLIS RAIL ROAD.

To amount expended by John. Woodburn for construction,		\$56,476 95	
" " same, contingencies,		10,600 17	
" " N. Noble, construction,		56,590 12	
" " same, contingencies,		5,343 59	
" " same, damages,		887 25	\$139,898 08

ALBANY AND VINCENNES ROAD.

To amount, expended by John G. Clendenin for construction,		\$38,968 30	
" " same contingencies,		4,172 95	
" John A. Graham, construction,		93,570 77	
" " same contingencies,		2,324 80	139,036 82

WHITE WATER CANAL.

To amount expended by E. Long, for construction,		\$127,981 86	
" " same, contingencies,		9,154 11	
" " same, damages,		2,440 00	
" " N. Noble, construction,		144,058 51	
" " same, contingencies,		2,562 01	
" " same, damages,		1,456 00	287,652 49

WABASH CANAL—West of Tippecanoe river.

To this sum, expended by James B. Johnson, for construction,		\$15,686 00	
" " same, contingencies,		1,210 50	
" " same, damages,		8,967 00	
" Thos. H. Blake, contingent,		149 86	
" S. Lewis, construction,		74,509 48	
" " same, contingent,		1,554 74	102,077 58

WABASH RIVER—Grand Rapids.

To amount expended by Thomas H. Blake, for contingencies,		\$1,255 07	
" " John A. Graham, construction,		1,465 00	
" " same, contingencies,		222 22	2,942 29

ERIE AND MICHIGAN CANAL.

To amount expended by S. Lewis, for construction,			
			34,589 27
"	"	same, contingencies,	6,469 94
			41,059 21

CENTRAL CANAL.

To amount expended on South Division, by John			
A. Graham, for	construction,		\$180,741 49
"	"	same, contingencies,	3,527 11
N. Div. A. F. Morrison,	construction,		81,075 41
"	"	same, contingencies,	2,634 02
"	"	same, damages,	993 19
"	"	N. Noble, construction,	116,075 66
"	"	same, contingencies	4,875 44
"	"	same, damages,	54 00
			389,976 32

JEFFERSONVILLE AND CRAWFORDSVILLE ROAD.

Amount expended by D. H. Maxwell, for construction,			
			\$23,095 00
"	"	same contingencies,	420 00
"	"	N. Noble, construction,	32,135 00
"	"	same, contingencies,	1,990 50
"	Jno. A. Graham,	construction,	49,271 07
"	"	same, contingencies,	3,365 33
			110,335 90

INDIANAPOLIS AND LAFAYETTE ROAD.

Amount expended by D. H. Maxwell, for construction,			
			\$4,616 00
"	"	S. Lewis, construction,	30,480 19
"	"	same, contingencies,	1,523 00
			36,619 19

WABASH AND ERIE CANAL.

Amount expended by S. Lewis, for construction,			
			\$175,297 72
"	"	same. contingencies,	6,082 20
"	same for expenses of L. Office,		717 50
"	by Jas. B. Johnson,	construction,	49,966 88
"	"	same, contingencies,	1,190 90
"	"	same, repairs,	2,110 69
"	"	same, damages,	50 00
			235,333 89

Total expended from Nov. 31st '38, to
Oct. 31st, 1839. 1,401,931 77

STATEMENT of Receipts from the Public Works during the year commencing November 31st, 1838, to October 31st, 1839, as appears from the Books of the Auditor's Office.

WABASH AND ERIE CANAL.

Amount of tolls received,	3,625 58	
Received for interest and full payment } on Canal Land,	14,827 80	\$18,453 38

WHITE WATER CANAL.

Amount of tolls not reported to Auditor, but applied on the line, as I understand,

MADISON AND INDIANAPOLIS RAIL ROAD.

Amount of tolls not reported, but used in repairs, by acting commissioner, under the law for that purpose.

Bonds of the State of Indiana executed and disposed of by her Fund Commissioners.

Years.	On account of Wash and Erie canal.	On account of gen. int. imp. system.	On account of State Bank.	On account of L. and I. R. R. Co.	On account of 4th instal. S. Rev.	Total.
1832	\$100,000 00					100,000 00
1834			500,000			500,000 00
1835	605,257 42		890,000			1,495,257 42
1836	241,742 58	\$850,000		100,000		1,191,742 58
1837	390,000	1,650,000		121,000		2,151,000 00
1838		1,800,000				1,800,000 00
1839	400,000	1,632,000	500,000		294,000	2,826,000 00
	\$1,727,000	\$5,932,000	1,890,000	\$221,000	\$294,000	\$10,064,000 00

The above statement does not include the \$500,000 bank bonds to be returned by the Morris canal on the \$400,000 *conditionally* sold for the Madison and Indianapolis rail road.

L. H. SCOTT, Fund Com'r.

Mr. Burke moved that the report of the committee be concurred in.

Mr. Bowles moved that the report be laid upon the table and that one thousand copies be printed.

Mr. Robinson of J. called for a division of the question; when

The question was taken, on laying said report upon the table, and decided in the affirmative; when

Mr. Robinson of J. moved that the motion to print be laid upon the table;

Which motion was decided in the negative.

On motion,

The House adjourned until two o'clock, P. M.

Two o'clock P. M.

The House met pursuant to adjournment.

Mr. Robinson of Ripley introduced

No. 319, a bill for the relief of Adolphus Huggins of Ripley county;

Which was read a first and second times, the rule being dispensed with, and ordered to be engrossed for a third reading.

Mr. Edmonson moved, that the rule be dispensed with, and take up the report of the committee on canals and internal improvements;

Which motion was decided in the affirmative.

On the question, Shall five thousand copies of said report be printed? it was decided in the negative.

On the question, Shall 3000 copies be printed? it was decided in the negative.

On the question, Shall two thousand be printed? it was decided in the affirmative.

Mr. Wilson of M. moved that the minority of the committee on canals and internal improvements, be furnished, as soon as practicable, with a copy of the report of the majority;

Which motion was decided in the affirmative.

On motion of Mr. McGaughey,

Resolved, That the enrolled and assistant clerks of this House be authorized to employ such assistance as they may deem necessary to enable them promptly to discharge their duties.

Mr. Wilson of W. introduced

No. 320, a bill to change the the name of the town of Newtown to that of Rensselaer;

Which was read a first, second and third times, the rule being suspended, and passed.

Ordered, That clerk inform the Senate thereof.

Mr. Morrison made the following report:

MR. SPEAKER—

The select committee to whom was referred a petition of sundry citizens of Washington county praying for certain changes in the road law, have according to order had the same under consideration, and directed me to report that they believe, from a careful examination of the subject, that the provisions of the law now in force are amply sufficient to secure the wishes and protect the rights of the petitioners, and ask to be discharged from the further consideration of the subject.

The report was concurred in and the committee discharged accordingly.

A message from the Senate by Mr. Test their Secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that the Senate has passed an engrossed bill of the House No. 158, entitled "an act to amend an act entitled an act to regulate the jurisdiction and duties of Justices of the Peace," approved February 17, 1838, with an amendment in which the concurrence of the House is respectfully requested.

Also, the Senate has passed engrossed bills and a joint resolution of the House as follows:

No. 169, an act to confirm the title made by Harriet M. Williams and Thomas C. Williams minors to certain real estate therein designated;

No. 182, an act to legalize certain proceedings of the county board of Wabash county;

No. 194, an act for the relief of the collector of the revenue of Orange county;

No. 218, an act to authorize the election of an additional justice of the peace in the township of Orange Noble county;

No. 220, an act to make allowances to supervisors for extra services in the county of Boone;

No. 248, an act to appropriate a part of the three per cent fund of Ripley county, and for other purposes;

No. 251, an act for the relief of the widow, heirs, and administrator of the estate of William Watts, deceased;

No. 284, an act for the relief of Julia A. Wernwag;

No. 292, an act to amend an act entitled "an act to incorporate the mayor and common council of the town of Delphi;

No. 294, an act to provide for the summoning and empanneling jurors in the county of Delaware;

No. 304, an act declaring a part of Salt creek a public highway;

No. 305, an act to regulate the jurisdiction of justices of the peace in the county of Hamilton;

No. 306, an act to change the time of holding courts in the eleventh judicial circuit;

No. 308, an act for the relief of Peter Hussey; and

No. 143, a joint resolution relative to the two White Rivers in Indiana,

Each without amendment.

The amendment of the Senate to engrossed bill of the House, No. 158, was concurred in.

Ordered, That the Senate be informed thereof.

A message from the Senate, by Mr. Test, their secretary.

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that the Senate insist on their disagreement to the amendment of the House to the bill of the Senate No. 94, for the relief of Phebe Clymer.

And Messrs Ewing of Cass and Blair are appointed a committee of free conference on the part of the Senate to act with a similar committee to be appointed on the part of the House to take into consideration the disagreement of the two Houses in relation to said proposed amendment.

The Senate has concurred in the amendment of the amendment of the House to the bill of the Senate No. 118, entitled an act relative to the jurisdiction of justices of the peace in Allen county;

Messrs. Farley and Thompson were appointed a committee of free conference on the part of the House, on bill of the Senate No. 94.

Ordered, That the clerk inform the Senate thereof.

The House now proceeded to the consideration of bills on their second reading.

No. 313, a bill to authorize John Ashby to build a mill dam across Maumee river;

Was read a second time and ordered to be engrossed for a third reading.

No. 313, a joint resolution to provide for the completion of the Cross Cut canal;

Was read a second time; and

On motion of Mr. Edmonson,

Laid on the table.

No. 112, an engrossed bill of the Senate, to incorporate the Spencer Working Men's Institute;

Was read a second time; when

Mr. Moore of O. moved to strike out "two thirds" and insert the words "a majority"—in reference to an amendment of the said charter by the Legislature;

Which amendment was adopted.

The bill passed to a third reading.

No. 120, a bill of the Senate, to authorize the election of one additional justice of the peace in Franklin township, Washington county;

Was read a first, second and third times and passed, the rule being suspended.

Ordered, That the clerk inform the Senate thereof.

No. 208, a bill to amend an act relative to crime and punishment, approved February 10th, 1831, was again taken under consideration.

Mr. Miller moved to strike out the 10th section, which imposes a fine on persons, not qualified as voters for voting at elections;

Which amendment was adopted.

Mr. Sweetser moved further to amend the bill, by adding the following as an additional section, to wit:

Sec. 4. "That every person, who shall live in open and notorious adultery or fornication, shall upon conviction thereof be fined, in any sum not exceeding three hundred dollars. So much of the fifty-ninth section of an act entitled an act relative to crime and punishment, approved February 10th, 1831, as comes within the purview of this section of this act be and the same is hereby repealed, *Provided*, That this section of this act shall not have any effect upon crimes committed and punishable by said fifty-ninth section of said act of February 10, 1831, unless the defendant be a female, and she should elect to be punished under this act.

On the question, Shall said amendment be adopted? it was decided in the affirmative.

Mr. Foster moved further to amend by striking out so much of the bill as relates to disfranchising;

Which amendment was not adopted.

Mr. Edmonson moved further to amend the bill by striking out so much of the bill as imposes a fine on persons for running horses.

Mr. Herriman moved to amend the part of the bill proposed to be stricken out, as follows:

"Strike out not less than five nor over fifty dollars, and insert, "pay the injured all damage done by said horse race."

On the question, Shall said amendment be adopted? it was decided in the negative.

On the question, Shall the proposed provision of the bill be stricken out? it was decided in the negative.

Mr. Fitch moved to strike out the 11th section;

Which motion did not prevail.

The bill was ordered to be engrossed for a third reading.

Mr. Long, on leave granted, from the committee of ways and means made the following report:

MR. SPEAKER—

The committee on ways and means, whose duty it is made by law,

to examine the condition of the officers of the Auditor and Treasurer of State, have performed that duty, and have directed, me to make the following

REPORT:

That the committee have examined the books, vouchers, receipts, and all papers connected with said offices, and the money on hand, and find the financial concerns in these offices correct. The committee are of opinion that the duties required by law, of both Auditor and Treasurer, have been faithfully performed. The books, papers, and every thing connected with each of the offices, are in neat and good order.

The tables and abstracts here furnished, will give a detailed view of the condition of the finances of the State.

Abstract No. 1. Shows a statement of the assessments, collections, and payments into the Treasury for the year 1839, by which it will be seen that the nett amount of revenue for that year was \$323,204 25 and the amount paid into the Treasury at the close of the year was \$295,286 52.

Statement No. 2. Shows the receipts and expenditures for the year 1839, by which it will be seen that the balance remaining in the Treasury on the 1st January, 1840, was \$315,371 49.

Statement No. 3. Exhibits balances due the State from the collectors of the several counties for the past years.

Statement No. 4. Shows the means of the Treasury and estimated demands upon the same for the year 1840.

Statement No. 5. Exhibits the probable receipts and expenditures applicable to the public service for the year 1841, based upon the revenue bill reported by the committee.

Statement No. 6. Being an exhibit of the amount of interest on improvement loans for the year 1840, including the Wabash and Erie canal loans, and the bonds issued to the Lawrenceburgh and Indianapolis rail road company, as also the bonds delived to the State Bank, for the amount advanced on the 4th instalment of the surplus revenue, and the means applicable to the payment of the same.

Statement No. 7. Being an exhibit of the amount of interest on improvement loans for the year 1841, including the Wabash and Erie canal loans, the bonds issued to the Lawrenceburgh and Indianapolis rail road company, as also the bonds delivered to the State Bank for the amount advanced on the 4th instalment of the surplus revenue, as also the deficit of 1840 as shown in statement No. 6, together with means recommended by the committee to pay the same.

The committee take pleasure in saying that the collecting officers, with very few exceptions, have promptly paid the revenue due from the several counties; which reflects much credit on them for their energy in the discharge of their respective duties; as also upon the people for their promptness in meeting and paying their taxes in such an unpropitious time as the present for collecting money. This is

the best evidence of the devotion of the citizens to the interest of the State, and their determination to sustain her credit unimpaired.

It will be seen by reference to statements No. 5 and 6 that the means provided for the payment of the ordinary expenses of the State for the year 1840 and to pay the interest due in the same year on public debts contracted for internal improvement purposes, are not sufficient for that purpose, and at the close of the year, there will be a probable deficit of \$35,510 42. The probable ordinary expenses of the State government for the year 1841, is estimated to be \$100,000. The amount required for the same year to pay interest due on debts contracted for internal improvement purposes, will be \$444,390 as will be seen by reference to statement No. 7. By adding the deficit of 1840 to the ordinary expense of the State government for 1841, and the sum as above, necessary to pay the interest on the public debt contracted for internal improvement purposes makes \$579,900. For the payment of this sum there appears to be only \$113,033 available for that purpose, as will be seen in statement No. 7, leaving \$466,867 for the State to provide means to meet.

When arriving at this information the next question with the committee was, what means, within the control of the State could they resort to for that purpose. And after a full and fair investigation of the whole financial affairs of the State, they come to the conclusion that the only available means within the reach of the State, is a direct tax on the people, or to direct the sale of the State bonds, and apply the principal to the payment of interest on bonds previously sold. The latter proposition they consider would not be advisable under any circumstances; which leaves but one resort, and that is, revenue collected from the people. Here the committee regret that they are compelled to inform the House, that, if they resort to taxation for the above purpose, the per centage must be increased from that of last year.

The committee are of opinion that it is their duty to lay before the House, all the statements they here present, showing the true situation of the finance of the State, which have been carefully prepared, and may be relied on as correct. They are also of opinion, that they should in the discharge of their duties, prepare and report a bill providing the means to meet the above demands against the State. With this view the committee have prepared, and herewith report a bill providing for a levy of one dollar on each taxable poll, and forty cents on each hundred dollars of taxable property. This truly appears to be asking of the citizens of the State to contribute a large portion of their earnings to support the government. The question now is, will they comply with this request, and thereby sustain the credit of the State, or shall it be announced that the State of Indiana has made contracts, with which she now refuses to comply?

With the view of illustrating the results under the revenue law of

1839, and of that now proposed by the committee, the following statements are submitted;

Loan for 1841,	\$444,390 00
Deficit on same account for 1840,	33,398 91
Amount required for ordinary expenses of the State for 1841,	100,000 00
Deficit on same account for 1840,	2,111 51
	<hr/> 579,900 42

The property tax under the revenue law of 1839, if continued, will produce a nett revenue of	\$275,000
Poll tax under same law, will produce nett revenue	46,000
Sale of lots in Indianapolis,	2,500
Other means applicable to the payment of interest as per table No. 7	110,533
	<hr/> \$434,033 00
	<hr/> \$145,866 42

Exhibiting a deficit, based upon the revenue law of 1839, (or in other words upon a levy of 30 cts. on \$100, and 50 cents poll tax) of \$145,866 42.

Result, based upon the revenue bill, now presented by the committee of ways and means.

Amount required to meet all demands against the State for 1841, as enumerated above,	\$579,900 42
The revenue from property tax at 40 cts on \$100, will produce nett revenue,	376,640 00
Nett revenue from poll tax of \$1,00	92,000 00
Sale of lots in Indianapolis,	3,500 00
Other means applicable to the payment of interest as per table No. 7	110,532 00
	<hr/> 581,672 00
	<hr/> \$1,772 58

This exhibit will show, that if the bill reported by the committee becomes the law, the ordinary expenses, and interest on the improvement debt for 1841 will be met, and leave a balance in the Treasury at the close of the year 1841, of \$1,772 58, as exhibited in the statement No. 5.

A majority of the committee are of opinion that although the taxes appear oppressive, the people will sustain the credit of the State, and therefore recommend the passage of the bill.

The question will no doubt be asked, why it is that so small a sum is received from tolls on the public works, when so large sums have been expended, on which the State is paying interest? To answer this question the committee direct attention to the condition of the works—there being on several lines large portions nearly finished and ready for use, on which large sums of money have been expended, and at present of no use to the State.

By the act passed at the present session of the General Assembly, "for the relief of contractors," it is provided that the Treasury notes therein authorized to be issued, shall be received for State taxes. Under this provision it is probable that the entire amount of State revenue will be paid in Treasury notes.

The same act pledges the first means which may be realized from the sale of the interest of the State, in any of its property or bank debts in the eastern cities, to the payment of these Treasury notes; and as there will (if the bill now presented pass into a law) be paid into the Treasury in the course of the year for revenue of 1840. Treasury notes to the amount of about \$470,000, it appears to the committee proper to direct that an amount equal to the Treasury notes that may be thus redeemed through the medium of the collectors, to be placed in some safe depository in New York, to be applied to the interest on the public debt, and the ordinary expenses of the government. This proposition appears to the committee perfectly just and reasonable, as the results will be a redemption of so much of the Treasury note debt, out of the means set apart for that purpose, and will greatly facilitate the payment of interest on the public debt.

There is also a further debt, (not before alluded to) due the branches of the State Bank, which amounts to upwards of \$600,000.

The committee have not been able, to devise any means for the immediate discharge of this debt; and indeed it seems improbable that any means can be realized, until such a change in the monetary affairs of the country as will enable the State to dispose of her bonds at a fair price.

As the State is a large owner of the stock of the bank, the committee have less reluctance in avowing the necessity of permitting that debt to remain unadjusted for the present.

This necessity seems so imperative, that the committee have not thought proper in their estimates, to provide any fund for that object.

All of which is respectfully submitted.

ELISHA LONG, Chairman.

STATEMENT No. 2.—Of the

RECEIPTS.	\$	cts.	\$	cts.
There was remaining in the treasury, on the 1st January, 1839, - - -			166,976	12
There has been received at the treasury, as follows, viz:				
For revenue of 1837, - - -	100	00		
“ 1838, - - -	5,094	30		
“ 1839, - - -	295,286	52		
			300,480	82
Sales of Michigan road lands - - -	351	46		
“ lots in Indianapolis, - - -	2,728	95		
Deposites of estates, without known heirs, - - -	231	99		
Incidental sources (sales of public property,) - - -	222	00		
Interest on treasury loans, - - -	2,916	70		
Treasury loans refunded by borrowers, - - -	250	00		
Lawrenceburgh and Indianapolis R. R. Co. funds, refunded, - - -	434	21		
Sales of University lands, (Gibson and Monroe,) - - -	2,745	00	7,135	31
Interest on University loans, - - -	4,667	71		
Sales of saline lands, (Washington and Monroe,) - - -	323	50		
Loans of Saline funds, refunded, - - -	330	00		
Interest on Saline funds, loaned, - - -	1,920	99		
College loans refunded by borrowers, - - -	7,670	50		
			17,666	70
			492,258	95



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“ lots in Indianapolis, - - -	2,728	95		
Deposites of estates, without known heirs, - - -	231	99		
Incidental sources (sales of public property,) - - -	222	00		
Interest on treasury loans, - - -	2,916	70		
Treasury loans refunded by borrowers, - - -	250	00		
Lawrenceburgh and Indianapolis R. R. Co. funds, refunded, - - -	434	21		
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Sales of saline lands, (Washington and Monroe,) - - -	323	50		
Loans of Saline funds, refunded, - - -	330	00		
Interest on Saline funds, loaned, - - -	1,920	99		
College loans refunded by borrowers, - - -	7,670	50	17,666	70
			492,258	95

Statement No. 3.—A list of balances due from collectors delinquent from 1st Jan. 1822 to 1st Jan. 1840.

[illegible]



Receipts and expenditures for 1839.

EXPENDITURES.

\$ cts \$ cts.

There has been expended since the 1st January, 1839:			
For expenses of legislature,	- -	42,562	12
" Public printing,	- -	19,857	27
Amount of specific appropriations,	- -	8,466	22
" contingent expenses,	- -	1,041	29
" wolf scalps certificates,	- -	106	50
" probate expenses,	- -	3,397	50
" executive " - -	- -	3,491	66
			78,922 56
Expenses of judiciary,	- -	15,373	00
" prosecuting attornies.	- -	1,789	07
" militia, - -	- -	127	75
" State House, - -	- -	1,042	10
" State prison, - -	- -	1,155	74
" State library, - -	- -	437	50
" Michigan road, - -	- -	436	85
" Seat of government, - -	- -	262	62
			20,624 63
Amount of estates refunded to heirs,	- -	821	38
" school fund refunded to counties,	- -	250	87
Expenses of Geological surveys,	- -	1,833	22
Amount paid to fund commissioners, internal improvement purposes,	- -	28,000	00
Amount of treasury loans, - -	- -	29,167	00
" paid to F. Com'rs, Lawrenceburgh and Indianapolis R. R. Co. - -	- -	434	21
Amount of college funds loaned,	- -	11,122	50
Expenses of State University,	- -	2,824	37
Amount of Saline funds loaned,	- -	2,700	00
" Saline expenses, - -	- -	186	72
			77,340 27
To balance in treasury on 1st January, 1840,	- -	176,887	46
(no warrants being out,) - -	- -	315,370	49
			492,258 95

STATEMENT No. 4,

Being an estimate of the means of the Treasury, and the demands upon the same, for the year 1840

Estimated means for 1840.		Estimate demands on the Treasury for 1840.	
Balance in the Treasury on the 1st day of January, 1840, as per Statement No. 2,	\$315,371 49	Salaries of judges and prosecutors,	\$17,500 00
Estimated amount of outstanding revenue of 1839, which probably will be paid in to the Treasury in the course of the year	23,000 00	“ executive officers,	3,500 00
Amount of Treasury loans to be refunded,	28,000 00	Printing, stationary, and distributing the laws, 13,000 00	00
From sale of lots in Indianapolis,	2,500 00	Legislature, including officers,	45,500 00
Deficits in means to meet the demands on Treasury,	2,111 50	Specific and contingent appropriations,	5,000 00
		Probate judges,	3,500 00
		Premiums on wolf scalps,	600 00
		State prison,	1,500 00
		“ library,	400 00
		Adjutant and quarter-master generals,	150 00
		Seat of government, (including library fund,)	1,760 00
		Estate without heirs, to be refunded,	1,073 00
		Conscientious fines to be distributed,	530 00
		Amount due college and saline funds,	1,970 00
		Internal improvement (being the estimated revenue from property tax in 1839,) 275,000 00	00
			\$370,983 00

Showing the probable Receipts and Expenditures, applicable to the public service for the year 1841 based upon the Revenue Bill reported by the committee of ways and means.

<p>Receipts—from a tax of one dollar on each poll in the State, the whole number being estimated at 100,000, and which it is supposed will produce in nett revenue, .</p> <p>A property tax of forty cents on each one hundred dollars of the valuation of taxable for 1840, and which it is supposed will produce in nett revenue, (the valuation of 1840 being equal to 1839,) .</p> <p>From sale of lots in Indianapolis,</p>	<p>\$92,000 00</p> <p>376,640 00</p> <p>2,500 00</p> <hr/> <p>\$471,140 00</p>	<p>Expenditures of 1840, for the ordinary expenses of the government, estimated at - \$100,000 00</p> <p>Deficit in the means to meet the ordinary expenses of 1840, as per Statement No. 4, 2,111 51</p> <p>Amounts required from revenue to meet the interest on the public debt contracted for improvement purposes, including the sum of \$33,398 91, being deficit on some account for the year 1840, - - 367,255 91</p> <hr/> <p>\$469,367 42</p>	<p>Exhibiting the amount of receipts over the demands upon the Treasury, for 1841, (upon this estimate,) of \$1,732 58.</p>
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STATEMENT No. 6:

Being an exhibit of the amount of interest on improvement loans for the year 1840, including the Wabash and Erie canal loans and the bonds issued to the Lawrenceburgh and Indianapolis railroad; as also the bonds delivered to the State Bank for the amount advanced on the 4th instalment of the surplus revenue.

The aggregate amount of this interest paid and payable including exchange between Indiana and New York of about 8 per cent. is \$158,048 95

The means applicable to the payment of this interest is as follows, viz:

Interest on 3rd and 4th instalment of surplus revenue,	\$48,000 00	
Interest on canal lands (sold,)	22,000 00	
Interest on mortgages of Lawrenceburgh and Indianapolis railroad,	11,050 00	
Amount paid by Morris canal and banking company, being mainly for interest on amount due the State from the company	36,566 09	
Amount of interest paid by Bank of Western N. York on amount due from it,	2,500 00	
Estimated revenue from tax on property for the year 1839,	275,000 00	
By canal tolls,	5,000 00	
Morris Canal and Banking Company in post notes,	24,533 95	\$424,650 04
		<hr/>
		33,398 91

STATEMENT No. 7,

Being an exhibit of the amount of interest on improvement loans for the year 1841, including the Wabash and Erie canal loans—the bonds issued to the Lawrenceburgh and Indianapolis railroad company, as also the bonds delivered the State Bank for the amount advanced on 4th instalment of the surplus revenue.

The entire amount of this interest, which will become due and payable on the 1st day of January, and 1st day of July 1841 will be

\$444,390 00

To which add deficit of last year, [see statement No. 6]

33,398 91

\$477,788 91

For the payment of this interest the committee enumerate the following means, viz:

First. Interest on the 3rd and 4th instalment

of the surplus revenue, \$48,000 00

Interest on Lawrenceburgh and Indianapo-

lis railroad mortgage, - - - 11,000 00

Interest on canal lands, - - - 22,000 00

Canal tolls, - - - 5,000 00

From Morris Canal and Banking Company

in post notes, - - - 24,533 00

Amount to be drawn from revenue of 1840,

as per statement No. 5, 367,255 91

\$477,788 91

The bill accompanying said report, to wit:

No. 321, a bill to amend an act entitled "an act pointing out the mode of levying taxes and fixing the per centum for State purposes," approved February 15th, 1839;

Was read a first and second times; when

Mr. Parker moved that one hundred copies of the bill and five hundred copies of the report be printed for the use of the House.

Mr. Fisher moved to lay the bill upon the table, and that one thousand copies of the report, and one hundred copies of the bill be printed.

Mr. Miller called for a division of the question, and the question being put, on laying the bill upon the table, it was decided in the negative.

The question being put, on printing one thousand copies of the report and one hundred copies of the bill, it was decided in the affirmative.

Mr. Parker moved that the bill be committed to a committee of the whole and made the special order of the day for to-morrow.

Mr. Robinson of Ripley moved to strike out the word "to-morrow," and insert "Thursday next."

Mr. Fisher moved to amend the amendment by inserting "Monday next;"

Which amendment was not adopted.

On the question, striking out the words "to-morrow," and inserting "Thursday next," it was decided in the negative.

On the question, shall the bill be committed to a committee of the whole for to-morrow, it was decided in the affirmative.

A message from the Senate by Mr. Finch a member:

MR. SPEAKER—

I am instructed by the Senate to inform the House of Representatives that the Senate have passed an engrossed bill of the House of Representatives, No. 176, an act creating the county of Benton and for other purposes, with an amendment to which the concurrence of the House is requested.

On motion,

The amendment of the Senate was concurred in.

Ordered, That the clerk inform the Senate thereof.

Mr. Milroy moved to take from the table bill of the House, No. 92, for the relief of the settlers on the Wabash and Erie canal lands;

Which motion was decided in the affirmative.

On the question, shall said bill be engrossed for a third reading?

The ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Baker, Beckett, Bell, Bowles, Campbell, Clark,

Cogswell, Conaway, Cooper, Cox, Cutter, Dunn, Eccles, Edmonson, English, Farley, Fisher, Fitch, Flint, Foster, Frisbie, Garrigus, Haddon, Henley, Herriman, Hull, Hunt of R., Johnson, Jones, Lane, Lanius, Long, McCormack, McCoy, Miller, Milroy, Montgomery, Morrison, Nelson of B., Nelson of M., Osborn of F., Osborn of U., Perry, Perviance, Porter, Rippey, Sands, Shiveley, Southard, Spann, Stewart, Sweetser, Thompson, Warriner, Wheeler, White, Wilson of M., Woodard, Worster, Zenor and Mr. Speaker—59.

Those who voted in the negative were:

Messrs. Allison, Arnold, Atherton, Bennett, Berkshire, Burke, Carlton of L., Coats, Finch, Gardner, Hamer, Hamblen, Hunt of J., Jackson, Jenckes, Lancaster, Lee, M'Gaughey, Moore of V., Morgan, O'Neill, Robinson of J., Robinson of Ripley, and Rush—23.

So said bill was ordered to be engrossed for a third reading.

On motion,

The said bill was considered as engrossed, read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Lancaster, on leave granted, made the following report:

MR. SPEAKER—

The select committee, consisting of the delegation from the counties of Wayne, Union, and Franklin, to whom was referred the resolution respecting the stockholders of the Richmond and Brookville canal, have had the subject under consideration, and have instructed me to make the following

REPORT:

The committee, upon taking the subject submitted to them into consideration, find that the Richmond and Brookville canal, a lateral branch of the White Water canal, extending from Richmond on the National road in Wayne county to the White Water canal at Brookville in Franklin county, thirty miles in length, was under the charter of 1837, commenced and has so far been prosecuted by the unaided resources of those, with a small exception, who live in the vicinity and upon the line of the said work. It also appears that the taxable property of the counties of Wayne, Union, and Franklin, in which this work lies, amounts to 9,423,051, nearly an eleventh part of the entire valuation of all the property of the state. And the portion of Franklin, the county of Union, the eastern half of Wayne, and the south eastern part of Randolph—which is accommodated *only* by this work, in consequence of lying either remote from the state improvements or between them, and the markets to which their products go, contain a population of near 40,000 inhabitants, and paid into the State Treas-

sure the last year, upwards of \$20,000. The production of this portion of the State, is not exceeded by any other of equal extent in it. Richmond, at its termination, contains near 5000 inhabitants, and employs in its manufactures a far greater amount of capital and labor than any other town in the State. The extent of its trade, together with that of the whole region of country whose products this channel of navigation is designed to circulate, imperatively demands a more improved highway than is or can be found in common roads.

The committee are sensible, however, of the existence and influence of opinions adverse to the position that canals are such improvements over common roads; assuming that if they are in favorable circumstances, that the situation of our State at least does not require them. And if both be affirmatively considered; that it is a departure from a rightful exercise of the powers of government to assist in their construction. We deem it therefore pertinent to the occasion to offer some reasons and present a few brief references in correction of those assumptions, before we allude to the manner in which the encouragement of the Legislature is desired to be conferred upon this undertaking of our citizens.

So far from such direction of the patronage of government being incompatible with its constitution, we find that by no State in this Union has the doctrine as yet been repudiated that the application of the public resources to the improvement of the country, to cherishing its industry, and unfolding to enterprize the elements of wealth and prosperity existing within its province is legitimate to its function, and consistent with the fundamental principles of its organization. Every where has the declaration, "to promote the general welfare," been considered the spirit of our constitutions, and as furnishing a brief exposition of their object and duties. All have acted upon this doctrine, as agents of the people, operating with powers that they have granted for their own benefit, and best serving the great ends of their institution, when so directed as to advance the individual welfare of the greater number. Hence it was that in obedience to the popular call to direct the combined resources and energy of the whole community to accomplish the connexion of navigable waters upon opposing boundaries of states, and to open from their interior sections to those natural or artificial highways around them, communications for the transportation of domestic products and necessary imports, beyond the capacity of individual means or private enterprize to reach, the different state governments throughout this whole nation, with few exceptions; came forward, and embarked in those public improvements concerning the policy of which public opinion with us at the present time is so much divided. It is assumed by many that these expenditures amount to nothing further than a barren consumption of public money; that the only profit likely to be realized therefrom will be confined to those who disburse the same, or who execute the work; and that the people, deluded and betrayed, will be left in ruin and oppression, victims to this rash and improvident legislation. If the effect of these discouraging views should be limited to a correction of

error in the management, and of extravagance of anticipation in the production of public works, admitted to have prevailed, and to require future expenditures to correspond to the wants of the country and to the ability of the state to meet, little objections could arise to their indulgence. But when the present condition of the public works, the extent of our pecuniary obligations, the revulsion of public opinion, which a common calamity misunderstood, has occasioned, are all considered, it will engage the assent, we presume, of every candid mind that there exist an urgent necessity of keeping before the public just conceptions of the utility and character of these improvements, in the construction of which we have so largely embarked.

The committee deem that the amount of *tolls* received upon *state* works, so frequently alluded to as proof of their *entire* production, affords but a limited exhibition of the sum of benefits resulting from them. The legislature in establishing those tolls, have been diverted, by a regard to individual interests; and the accommodation of trade, so deeply concerned in cheapness of transportation from the imposition of such a rate as would have nearly equalled the difference between the cost of carriage upon their improvements, and upon common roads. The result has been upon almost every occasion in which the revenue has reached the interest upon the cost of the work and repairs, that the charge has been reduced. The influence of this policy, upon the production of the country has been exceedingly auspicious. Upon examination it is found that the cost of transportation upon canals in our country, average not over one third of the usual charge upon common roads. The difference therefore, is saved to the producer of domestic products, and consumer of imported ones, and occasions an augmentation of the productive capital of the country equivalent to a sum, of which that saving would be the interest. Also by reducing the expense of conveyance, it enables the inland portions of country to produce for exportation, where, without such improvement, nothing beyond the consumption of the vicinity would be created, requiring artificial means to convey it to market. Encouragement is thus given to industry, an enlarged field is opened to enterprize; all the natural powers and constituents of wealth, found in a fruitful state are evoked from their locked up and undisturbed condition; and made tributary to the comfort, the improvement and the prosperity of all.

The history of New York, Pennsylvania and Ohio for the last ten or twenty years sufficiently attest the truth of the foregoing observations. In Philadelphia, in five years from the opening of the state works to Pittsburgh there were erected six thousand houses by the carpenters' society alone. And throughout the whole interior of the state, a corresponding improvement prevailed; and no where was that improvement more manifest than in the less cultivated or more recently settled portions of it. And now, after more than \$30,000,000 have been expended since 1825 upon her public works, we are assured by the language of the recent message of her Governor, that her spirit is not wearied on her hand wearied in its disbursement; over two

millions being asked for the continuation of operations upon her works for the year 1840. It may also be remarked that the state works were commenced after many millions had been expended upon turn-pike roads, which came into competition with and reduced the profit, as it lessened the utility of their state works.

We find also that the commercial rivalry so strong between New York, and Philadelphia possessed sufficient influence to reduce the tolls upon their main western lines so far, that in Pennsylvania, works leading into the interior and to parts the least fertile of any in the State, have yielded a greater per centage of tolls than the main line. Upon the Erie and Champlain canals however, notwithstanding that reduction during the six years from 1833 to '38 inclusive, there was afforded tolls sufficient after paying all expenditures for maintenance, and the interest upon the original cost to produce a surplus of over \$2,500,000. But this production, large as it was, bears a small proportion to that vast increase in the value of every species of property that followed the opening of the Erie canal. The spirit of production seemed to have been unbound for the first time, cities arose on the verge of the wilderness, which fled away as the genius of improvement smiled on her western valleys, and throughout all that region where solitude and sterility had so recently brooded, nought was heard but the cheering voice of an awakened and stimulated industry. The city of New York and the whole State increased in population, wealth and trade beyond all former example in the history of any people, affording a confirmation of the wisdom of her policy that no time and delusion can ever waste away.

In Ohio also, the rapid growth of Cincinnati, Dayton, Portsmouth, Columbus, Cleveland and other towns upon her public works, after they went into operation, and the sudden increase in the value of all the agricultural products of the State, far more than the amount of tolls, attest the value and measure the amount of utility connected with such improvements.

But as direct production more readily engage the attention than that which is indirect and consequential, it may lead to more definite conclusions of the character of such improvements to examine those that belong to companies that are usually managed, where unlimited in their charters, with exclusive regard to revenue. In Great Britain, whose canals are made by companies, we find that although 107 are in operation within her small territory, costing over \$150,000,000 and coming into direct competition with the best McAdamized roads in the world, twenty-two in 1831 sold in the market for upwards of one hundred per cent. above par, while many others brought over fifty; upon three of them the annual revenue was over one hundred per cent. upon cost. Some of the most important of these canals are in the immediate vicinity of railways, with which to some extent they come in competition. The Leeds and Liverpool canal is 130 miles long, overcoming an elevation of 841 feet by lockage, cost \$21,500 per mile and was worth at the time above alluded to, three hundred and five per cent. above par; that is £405 for £100 paid. The Grand Junc-

sion canal is 93½ miles long, with 760 feet lockage, cost upwards of \$95,00 per mile, and sold on the first of November 1831, for £235 for £100 paid. The prices of canal stocks in England are the results of actual dividends made for a series of years. The Loughborough canal for the last ten years previous to 1831, dividend £180 per share per annum of £100 original cost. The Coventry canal £50 per share; the Erewath £54 per share. At the same time ten out of thirteen of their railroads were above par. It is true that the wealth and trade of Great Britain are infinitely in advance of ours; but it is no less true, that for her intelligence, wealth and production she is greatly indebted to her facilities for communication. In our own country we can find a corresponding production. The canal of the Schuylkill Navigation company, an improvement only 108 miles in length, produced in 1837 tolls to the amount of \$569,141 50. And the stock of a great majority of all the company works in the union previous to the late depression of the money market, were above par; and with an average annual increase exceeding ten per cent. in their gross income. We have in the United States over 3,000 miles of railroad completed, at a cost of \$60,000,000, in operation. Upon this capital, the tolls of 1838 neated five and a half per cent.

From the practical results above referred to, we perceive no just ground to rebuke the spirit of public enterprise among us; but abundant encouragement to hope for a profitable issue to the State engagements.

The wisdom of that policy that is directed to the completion of important lines; and to the production, upon them of the largest amount of tolls, they can be made to yield under the existing obligations of the State, must be apparent to all. In both Pennsylvania and New York, the State has completed lateral branches to their leading works, for the benefit of the main line, where but little revenue was expected from the branches themselves. The East Fork branch, in consequence of extending to near the Ohio State line, will divert, from the Miami canal the trade of the western part of Preble, and the west half of Dark county in the State of Ohio, as well as that of the section of our own State before alluded to, and discharge its tonnage into the State work at Brookville—upon which, in its transit to the Ohio river, the State will realize a greater amount of toll than the stockholders will receive from it, upon their own work. It is also evident that the amount of productive capital, in that portion of the State will be greatly augmented by the water power, the canal will improve for manufacturing purposes, as well as from a great increase of agricultural products, which reduced cost of transportation will encourage. Upon this increased valuation, the legitimate fruit of the canal, the State will derive a large annual income by taxation. So striking was the importance of the completion of the canal to the interest of the State—so necessary to enable her to realize the full benefit of the White Water improvement; that it was confidently anticipated by the subscribers to the stock of the East Fork canal; that the State would assist in its construction to at least one half of its cost. They were assured

of this support of the State, on the ground, that it was the interest of the State, to render her works as profitable, and consistent with the most beneficent policy to invite from abroad capital and trade for her own advancement; which the location as noticed before, of this work, contiguous to a fertile portion of Ohio promised to effect. And because the State in consequence of the completion of the White Water canal below Brookville, would receive from her stock three times the amount obtained by the private stockholders. And if they should realize a fair per centage upon their investment, the State would double the production of the White Water canal below Brookville, without any increase of cost. That such would be the result, a careful examination of the annual exports and imports of of the section of country interested in this improvement, justify the committee in anticipating. Lest it should be supposed by some, who are not acquainted with the character of the White Water country, that such a subscription would be an undue distribution of the expenditures of the State for improvements, we may remark, that eight counties that are immediately interested in the White Water works, paid into the treasury in 1839 \$75,927 41, more than one-fifth of the whole assessment of the State. From which it will be seen, that if \$250,000 were applied to the East Fork canal, the whole disbursement for the White Water country, would not exceed their just proportion of the money already borrowed by the State, in the improvement loans. And in support of the policy of such distribution, an example is not wanting near at hand, to prove, that this portion of the works of the State, at least, will never remain a burden upon her treasury, long after their completion. The Miami canal in Ohio in 1837, afforded over seven per cent. upon the cost, after defraying all expenses. The construction of that work was exceedingly defective; in consequence of which frequent arrests in transportation have occurred, to repair breaches or remove obstructions; yet under these disadvantages, the work has of late yielded a profit to the State.

In every capacity for production the White Water country will not suffer by a comparison with the Miami. In fertility of soil it equals, in health surpasses it. In water power for manufacturing it is greatly superior, and its agriculture will be of that description to afford more freight for a canal than the valley of the Miami—the richest lands of which are devoted to grazing and feeding stock, which is driven to market.

The committee in justice to that part of the State they represent, have felt bound to tender the above views to the consideration of the House. Their citizens have cheerfully contributed from the hard earnings of their toil, whatever the State has hitherto demanded; in the confident assurance that she would make that return which justice to them, and a proper regard for her own interest so urgently claimed. If the existing public embarrassment is deemed sufficient to exonerate the State from any direct contribution to the East Fork canal, at the present time; we should remember that her burthens are borne by all the people, and that equity requires that they should be equally divided. The stockholders of this canal have paid equally with

the rest of the State for those improvements in which they have no direct interest, and in addition, from their own means are constructing an entire work from which the State will derive a greater amount of revenue when completed, than they will. Under ordinary circumstances, or in a prosperous condition, the resources of the White Water country might enable its citizens to bear up even under this unequal distribution of burdens. The general calamity and pecuniary distress that has suddenly swept over the whole country with their blighting influence, admonish them of the necessity of urging upon the Legislature the right they possess, to some abatement in the amount they contribute to the improvements of the State.

As a mode of equalization that would be scarcely perceived, from the slight deduction it would make in the revenue of the State, the committee would recommend that the stockholders of the East Fork canal should be exempt for a limited time, through the progress of the work, from the payment of much of their taxes, appropriated to the internal improvement fund, as should amount to ten per centum upon the money actually paid upon their subscriptions.

The entire tax assessed upon all the stockholders falls short of \$4,000, and consequently the reduction in the treasury would be unfelt, and the amount compared with the payments the stockholders make for the direct benefit of the State, is altogether inconsiderable, and nothing is taken from other parts for their advantage. The committee therefore report the following bill:

On motion,

The said report was laid upon the table and 200 copies ordered to be printed.

The bill accompanying said report, to wit:

No. 322, a bill to equalize the payment of taxes for improvement purposes, to the stockholders of the Richmond and Brookville canal, with the other citizens of the State, was read a first time and passed to a second reading.

Mr. Sands made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of the board of Justices of the Peace of Crawford county have had the same under consideration and directed me to report the following bill, to wit:

No. 323, a bill to legalize the acts of the board of Justices of the Peace in Crawford county;

Which was read a first and second times and ordered to be engrossed for a third reading.

Mr. Lane, from the committee on canals and internal improvements, reported the following bill, to wit:

No. 324, a bill to dissolve the present Board of Internal Improve-

ment, the Board of Fund Commissioners and the Engineer Department;

Which was read a first and second times—the rule being suspended—when

Mr. Fisher moved to commit the bill to a committee of the whole, and that it be made the special order of the day for to-morrow;

Mr. Moore of O. made the following report:

MR. SPEAKER—

The committee on corporations, to whom was referred a bill relative to the Clay county Seminary, have had that subject under consideration, and have directed me to report it back without amendment, and recommend its passage.

The said bill, to wit:

No. 293, relative to the Clay county Seminary was considered as engrossed, read a third time and passed.

Mr. Bowles, from the committee on the State Bank, made the following report:

MR. SPEAKER—

The committee on the State Bank to whom was referred a bill No. 295, to amend an act entitled "an act to prohibit the circulation of bank notes of a less denomination than five dollars, have had the same under consideration and directed me to report:

That the committee deem further legislation uncalled for at present on this subject, as the law on this subject affords ample provisions to arrest the evil if properly enforced by the people of the State.

The committee therefore recommend the indefinite postponement of the bill, and ask to be discharged from the further consideration thereof.

On the question, shall said bill be indefinitely postponed,
The ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Atherton, Baker, Beckett, Bell, Bennett, Berkshire, Bowles, Buckles, Burke, Butler, Campbell, Carleton of F., Clark, Cogswell, Conaway, Cooper, Cox, Cutter, Dunn, Farley, Finch, Fisher, Flint, Foster, Frisbie, Hamer, Hunt of R., Jackson, Jamison, Jenckes, Johnson, Jones, Lane, Lancaster, Lanius, Lee, Long, McCormack, McCoy, McGaughey, Montgomery, Morgan, O'Neill, Osborn of F., Parker, Perry, Robinson of J., Robinson of Ripley, Robinson of Rush, Sands, Shively, Southard, Thompson, Wheeler, Woodard, and Worster—55.

Those who voted in the negative were:

Messrs. Albertson, Allison, Arnold, Coats, Davis, Eccles, Edmonson, English, Garrigus, Gardner, Haddon, Hamblen, Henley, Herri-
man, Hull, Miller, Milroy, Monroe, Moore of O., Moore of V., Mor-
rison, Nelson of B., Nelson of M., Osborn of U., Perviance, Porter,
Rippey, Stewart, Sweetser, Wilson of M., and Mr. Speaker—30.

Mr. Johnson made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of J. John-
son and others of the town of Bridgeport in Marion county, as well
as the petition of John Zimmerman and others of said town, have had
the same under consideration and directed me to report the following
bill, to wit:

No. 325, a bill to authorize the board doing county business for the
county of Marion to vacate, or make any alteration in the town of
Bridgeport in said county;

Which was read three several times—the rule being suspended—
and passed.

Ordered, That the clerk inform the Senate thereof.

On motion of Mr. Miller,

Resolved, That the House of Representatives will, the Senate con-
curring therein, proceed on Thursday next at 2 o'clock P. M. to the
election of commissioners for the Seminary townships in Gibson and
Monroe counties to fill the vacancies occasioned by the term of servi-
ces of the former commissioners having expired by the operation of
an act passed this General Assembly, and that the Senate be informed
of the adoption of this resolution, and their concurrence requested.

Mr. Morrison made the following report:

MR. SPEAKER—

The joint committee on enrolled bills report, that they have com-
pared the engrossed with the enrolled bills of the Senate, of the follow-
ing titles, viz:

No. 23, an act to amend an act concerning insane persons, ap-
proved 22d January 1818.

No. 98, an act to legalize and confirm the official acts of the several
boards of trustees of the village of Mishawaka.

No. 99, an act to legalize certain acts of the county commissioners
of Cass county.

No. 108, an act for the relief of George Crawford and James R.
McCord.

No. 113, an act in relation to county surveyors, and find the same
truly enrolled.

98h

Mr. Osborn of F. made the following report:

MR. SPEAKER—

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bills of the House entitled acts, to wit:

No. 54, an act to repeal a part of an act entitled "an act concerning Knox county."

No. 43, an act to amend an act entitled "an act organizing the Supreme court and defining its powers and duties, approved February 17, 1838.

No. 150, an act relative to the probate court of Bartholomew county.

No. 47, an act to vacate the town of Economy in Gibson county.

No. 149, an act to legalize the acts of the probate court of De Kalb county.

No. 271, an act supplemental to an act providing for the election of three school commissioners in township No. 14 north of range 7 west in Park county, approved December, 1839.

No. 191, an act to provide for the election of a justice of the peace and constable in the town in the town of White Hall in Owen county.

No. 190, an act to revive an act entitled "an act to amend an act for the benefit of persons who are likely to suffer by the destruction of the records of Dearborn county, which were consumed in the court house in Lawrenceburgh on the 6th of March, 1826," approved January 11, 1827.

No. 188, an act to declare the meaning of the 29th section of an act entitled "an act to regulate the mode of doing county business, in the several counties in this State," approved February 17, 1838.

No. 159, an act to fix the time of holding probate courts in Marion county.

No. 262, an act to provide for the election of a justice of the peace in the town of Jacksonville in the county of Fountain.

No. 184, an act to revive an act to incorporate the Lagrange county manufacturing company.

No. 258, an act for the relief of the heirs and administrators of John Tipton deceased.

No. 179, an act to incorporate the Lagrange Collegiate Institute.

No. 287, an act to amend an act entitled "an act dividing the State into Judicial circuits and fixing the time of holding courts therein, and for other purposes."

No. 180, an act to repeal an act entitled "an act providing for the clearing out of Pride's creek in Pike county."

No. 100, of the Senate "an act to authorize James T. Miller to keep a ferry across the Wabash River, and for other purposes;"

No. 118, of the Senate, an act relative to the jurisdiction of justices of the peace in Allen county;

No. 127, an act to amend an act entitled "an act to incorporate the Richmond and Boston turnpike company;

No. 46, an act to regulate the jurisdiction of justices of the peace in Grant county;

No. 18, an act to regulate the jurisdiction of justices of the peace in Green county;

No. 33, an act legalizing the acts and proceedings of the Trustees of school district township No. six north of range No. nine west, in Sullivan county, in relation to the town of Edwardsport;

No. 276, an act to change the name of Mary Burroughs;

No. 86, an act to relocate the seat of justice in the county of La-grange;

No. 129, an act to authorize John T. Wheeler a minor to sell certain real estate therein named;

No. 165, an act to authorize the holding of an additional term of the circuit court for the county of Washington;

No. 172, an act to provide for the election of a justice of the peace in the town of Owensville in Gibson county;

No. 213, an act to relocate the county seat of Scott county;

No. 185, a joint resolution in relation to contractors, and find the same truly enrolled; whereupon;

The Speaker signed the same.

Ordered, That the clerk carry the same to the Senate for the signature of their President.

A message from the Governor by Mr. Moore, his private Secretary:

MR. SPEAKER—

I am directed by the Governor to inform the House of Representatives that he did on yesterday approve and sign acts of the titles following, to wit:

An act concerning the incorporation of the town of Brookville, and for other purposes;

An act to amend an act regulating the mode of summoning and empanneling grand and petit jurors, approved February 17, 1838, as far as relates to the county of Owen;

An act to authorize Stephen Barnes to build a mill dam across White River in Owen county;

An act to vacate the town of Bath;

An act for the relief Isaac Pinnick;

An act to regulate the jurisdiction of justices of the peace in Boone county;

An act for the relief of William Kampton;

And also a joint resolution entitled a joint resolution instructing our Senators and requesting our Representatives in Congress to procure the repeal of the duty on salt; and

A memorial and joint resolution of the General Assembly relative to the town of Indianapolis;

All of which originated in the House of Representatives.

On motion,

The House adjourned until to-morrow morning at nine o'clock.

WEDNESDAY, FEBRUARY 12, 1840.

The House met pursuant to adjournment.

Mr. Shively, on leave granted, introduced

No. 326, a bill to legalize the recording of the town plat of Marion;

Which was read a first, second and third times, and passed, the rule being suspended.

Ordered, That the clerk inform the Senate thereof.

Mr. Johnson, on leave granted, introduced

No. 327, a bill to authorize certain officers to make certain re-entries of judgments, on papers therein named;

Which was read a first, second and third times, and passed, the rule being suspended.

Ordered, That the clerk inform the Senate thereof.

Mr. Garrigus, on leave granted, introduced

No. 328, a bill to incorporate the Adelpian Literary Society of Rockville;

Which was read a first, second and third times, and passed, the rule being suspended.

Ordered, That the clerk inform the Senate thereof.

Mr. Garrigus, also, on leave granted, introduced

No. 329, a bill to incorporate the Clonian Band of Rockville;

Which was read a first, second, and third times, and passed, the rule being suspended.

Ordered, That the clerk inform the Senate thereof.

Mr. Parker made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of the citizens of the town of Connersville, in Fayette county, asking that licences to retail ardent spirits within said town may not be granted, but upon petition of a majority of the free-holders of said town, have

had the same under consideration, and have directed me to report the following bill, to wit:

No. 330, a bill defining the duty of the county board of Fayette county, in a certain case therein named;

Which was read a first, second and third times, and passed.

Ordered, That Mr. Parker inform the Senate thereof.

Mr. Allison presented the petition of sundry citizens of Green and Monroe counties;

Which was referred to a select committee of Messrs. Allison, Campbell and Moore of O.

Mr. Edmonson moved to reconsider the vote on the resolution offered by Mr. Moore of O., a few days since, on the subject of investigating the accounts of the printers of this House, for the year 1837 and '38;

Which motion did not prevail.

Mr. Conaway made the following report:

MR. SPEAKER—

The committee on corporations to whom was referred bill No. 247, have had the same under consideration, and have made sundry amendments, and have directed me to report the same to the house, and respectfully ask their concurrence therein;

Which amendments were concurred in.

Mr. Perry moved further to amend said bill by adding the following as an additional section, to wit:

"Sec. There shall be nothing in this act so construed, as to prevent the public from having and enjoying the free use of the present bridge, so long as it may be kept in good repair, either by the county, or by private subscription."

On the question, shall aid amendment be adopted? it was decided in the affirmative.

The bill was then considered as engrossed, read a third time, and passed.

Ordered, That the clerk inform the Senate thereof.

On motion of Mr. Moore of O.,

Messrs. Allison, and Carlton of L. were added to the select committee, providing for attaching a part of Owen county to the county of Clay.

Mr. Sweetser made the following report:

MR. SPEAKER—

The committee on corporation to whom was referred, the No. 316, a bill to incorporate the Cass Guards," have had the same under con-

sideration, and directed me to report the same with an amendment;

Which was concurred in.

The bill was ordered to be engrossed for a third reading.

Mr. Sweetser made the following report:

MR. SPEAKER—

The committee on corporations to whom was referred the report of the Vernon Savings Institution have had the same under consideration and directed me to make the following report.

It appears by the report of said Savings Institution, that the capital stock subscribed is

\$34,350 00

That the amount paid in

\$7,474 55

And upon that amount they have, for the past year, made the sum of

\$2,373 64

Equal to 33½ per cent.

The deposits made by individuals for whose benefit the Institution professedly was made amount to the sum of \$215 00.

The committee are of opinion that shaving is carried on by said institution to as great perfection, as in any one, that has come under their cognizance. Whether it would not be advisable to repeal all such soul-less institutions in the state, the Legislature will judge.

On motion,

The report of the committee was concurred in by the House.

Mr. Fisher, from the committee on corporations, to which the subject was referred, reported the following bill, to wit:

No. 331, a bill to incorporate the Patriot, Silk and Trading Company;

Which was read a first time, and passed to a second reading.

Mr. Perry made the following report:

MR. SPEAKER—

The committee on corporations to whom was referred sundry communications on the subject of the division of the town of Lawrenceburgh, have had the same under consideration, and have instructed me to report it inexpedient to legislate on the subject, and ask to be discharged from the further consideration of that subject.

On motion,

The report of the committee was concurred in.

Mr. Frisbie made the following report:

MR. SPEAKER—

The select committee to whom was referred the petitions of sundry citizens of Warrick and Gibson counties, have had the same under consideration, and directed me to report the following bill, to wit:

No. 332, a bill to establish the county line between the counties of Warrick and Gibson;

Which was read a first time, and passed to a second reading.

Mr. Stewart made the following report:

MR. SPEAKER—

The select committee to whom was referred a bill in relation to lands within the chartered limits of the City of New Albany and solely used for farming, and woodland purposes. Also a remonstrance of the City council of said City on the same subject; have had the same under consideration and recommend the following amendment. The amendment was concurred in, and the said bill, to wit: No. 136, was ordered to a third reading on to-morrow.

Mr. Perry made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of Abram Ferris and others, asking the Legislature to pass a law to enable the county of Dearborn to tax dogs, have had the same under consideration and instructed me to report it inexpedient to legislate further on that subject, and ask to be discharged from the further consideration of the subject.

On motion,

The report of the committee was concurred in.

Mr. Henley made the following report:

MR. SPEAKER—

The select committee to whom was referred sundry resolutions of this House, directing them to make a plain and full statement of the public debt of this State; the object for which the several loans have been contracted; the purposes to which they have been applied; the amount which has been received; the balance yet due the State; the names of the persons and institutions from whom money is due; the amount from each respectively, and the securities; together with the actual value of all the property acquired by the State, in payment of bonds sold; and the amount of money advanced by the branches of the State Bank of Indiana, for the prosecution of the system of internal

improvement, beyond the amount provided by the fund commissioners for that purpose; what effect such advances have had upon the present pecuniary embarrassments of the State; and to what extent it has affected individual enterprise by cutting off the usual accommodations for the ordinary transactions of business, have had the same under consideration, and directed me to make the following

REPORT:

That, in the opinion of the committee, the first great error committed by the fund commissioners, under the direction of the board of internal improvement, was in parting with the bonds of the State on time, to institutions of doubtful and questionable solvency. This policy was adopted, as your committee is informed, by Dr. Coe, late fund commissioner—to use his own language: “For the urgent reason that the board was not authorized to make loans at a higher rate of interest than five per cent., and after sufficient trial it was found that no loans could be made on those terms, unless the bonds were sold on a credit, and the engineers and assistants, who had surveyed the public works, were at that time retained at great expense; while the board of internal improvement, having no funds, were unable to put any work under contract until a loan was effected.” Thus it will be perceived that the first loan for internal improvement purposes, was made in violation of law, (for there is no authority for selling the bonds of the State on credit,) and all the subsequent sales have been made in accordance with that practice. The reason assigned by the late commissioner for this violation of law, and departure from sound and prudent policy, was the urgent necessity for the immediate commencement of the “*glorious system*.”

The great anxiety to commence the system and urge it forward, before the people of the State should become acquainted with its extent and the burdens it would bring upon them, is to be attributed the embarrassed and deranged condition of the financial affairs of the State.

The whole amount of State debt is \$10,064,000, as will appear from the following statement obtained from the fund commissioners.

Bonds of the State of Indiana executed and disposed of by the fund commissioners.

1832.	On account of Wabash and Erie canal,	\$100,000 00
1834.	On State Bank, - - -	500,000 00
1835.	On Wabash and Erie canal, -	605,257 42
"	On State Bank, - - -	890,000 00
1836.	On Wabash and Erie canal, -	241,742 58
"	On general internal improvement system,	850,000 00
"	On Lawrenceburgh and Indianapolis R. R. Co.	100,000 00
1837.	On Wabash and Erie canal, - -	380,000 00
"	On general internal improvement system,	1,650,000 00

"	On Lawrenceburgh and Indianapolis R. R. Co.	121,000 00
1838.	On general internal improvement system,	1,800,000 00
1839.	On Wabash and Erie canal,	400,000 00
"	On general internal improvement system,	1,632,000 00
"	On State Bank,	500,000 00
"	On 4th instalment of surplus revenue,	294,000 00
Total,		<u>10,064,000 00</u>

The above statement does not include the \$500,000 bank bonds to be returned by the Morris Canal Company, or the \$455,000 conditionally sold to the Indianapolis and Madison Rail Road Company. Nor does it include the debt due contractors, supposed to amount to one million and a half of dollars; nor the debt due the State Bank for advances made on the public works last spring and summer, amounting to \$529,453 09, which would make the State debt amount, in the aggregate, to the sum of \$13,148,452 09, of which amount, the interest on \$8,114,000 and on \$1,600,000, the debt due contractors making the aggregate \$9,614,000, must be provided for by direct taxation.

The bonds issued on account of the State Bank, surplus revenue, Lawrenceburgh and Indianapolis Rail Road Company have been parted with for those several objects to an aggregate of \$2,405,000 as above.

The proceeds of the sale of the balance \$7,659,000, with the amount received for canal lands sold, interest, &c., amounting in all to \$8,213,261 37½ are applicable to the works of internal improvement, and have been disposed of as follows:

There has been expended since the commencement of the works:

On account of the Wabash and Erie canal,	\$1,737,233 96
" Wabash canal,	294,048 23½
" White Water canal,	826,379 13
" Central canal,	1,057,485 81
" Cross Cut canal,	301,442 73
" Erie and Michigan canal,	57,301 86
" Madison and Indianapolis R. R. Co.	1,109,382 48
" New Albany and Vincennes road,	435,104 18
" Jeffersonville and Crawfordsville road,	262,360 01
" Indianapolis and Lafayette road,	39,323 33
" Wabash river,	8,902 80
General incidental expenses board internal improvements,	<u>31,472 45</u>
	\$6,160,436 97½
For interest on State bonds,	653,085 83
per diem, and expenses of fund commissioners, office rent, engraving bonds, &c.,	<u>11,794 45</u>

Auditor's salary,	-	-	-	-	1,007 34
Incidental expenses,	-	-	-	-	22,843 43
Property received on compromise with the Messrs. Cohens and Josephs,	-	-	-	-	285,536 40

Amount expended,	-	-	-	-	\$7,139,704 42
And there is due to the State, from Morris Canal and Banking Company,				\$815,614 46	
Bank Western N. York,	-	-	-	240,000 00	
Erie county Bank,	-	-	-	218,000 00	
Detroit and Pontiac Rail Road Co.	-	-	-	95,000 00	
Staten Island Whaling Company,	-	-	-	58,661 00	
Binghampton Bank,	-	-	-	71,800 00	
Bank of Commerce,	-	-	-	48,000 00	
Bond and mortgage taken on account of Cohens debt,	-	-	-	113,300 00	
Board of internal improvement,	-	-	-	33,718 61	
J. Scott's estate, D. Burr's, &c.	-	-	-	8,915 97	

1,703,010 04

Deduct the amount due from the State to branches of State Bank and others	620,453 09
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Balance due the State 1,073,556 95½

\$8,213,261 37½

Securities on the Eastern debts.

The debt from the bank of Western New York is recured by bonds and mortgages, and the personal liability of the members of the Georgia Land Company.

From Erie county bank, is secured by bonds and mortgages, and bonds of the bank, including a deposite of the notes of the Gallipolis bank, Ohio.

From Detroit and Pontiac railroad company, is secured by bonds of the Merchants' Exchange bank of Buffalo, and a lien upon the railroad.

From Staten Island Whaling company, is secured by bonds and mortgages, including the personal liability of each member of the company.

From the Binghampton Bank, is secured by mortgages upon real estate, and bonds of the creditors of the bank.

From the Bank of Commerce at Buffalo, is secured by a transfer of stock in one of the Safety Fund banks in New York, in addition to their own bonds.

From the Morris Canal and Banking Company, is secured by certificates of deposites in North American Trust and Banking Company, amounting to \$266,000 00 and the post notes of the Mor-

the Canal and Banking Company, amounting to \$280,000 00, to secure the payment of which, and the balance due, the following collateral security is taken, viz:

1st. Judgment against Long Island railroad Co.	-	\$60,000
2d. Harlem railroad 7 per cent bonds	- - -	36,000
3d. 5,000 shares Beaver Meadow railroad company stock, par value each \$50	- - - - -	250,000
4th. 1,600 shares Little Schuylkill railroad company		80,000
5th. Mortgages in conjunction with State Bank on divers lots in Jersey City, said to be worth	- - -	300,000
There was due the State from the Messrs. Cohens the sum of \$297,- 564 73,		

For which the State has received upon a compromise, the following stocks and property:

1st. Bloomingdale property, being 256 lots and 128 water lots in the city of New York with a mortgage thereon of \$65,000.

2d. 182 lots in the avenue in the city of New York, with a mortgage thereon of 12,000.

3d. 52 lots in the city of Brooklyn with sperm factory and fixtures thereon and a mortgage of \$35,000.

4th. An assignment of two mortgages amounting to \$43,500 on 41 acres of land in Poughkeepsie.

5th. 751 shares of Baltimore and Ohio railroad stock.

6th. 44 bonds of the Winchester and Potomac railroad co.

7th. An assignment of an attachment for \$50,000 on 1500 shares of stock in the American Life and Trust company, 500 shares in the General Insurance company, 230 shares in the Canton company.

8th. Right, title and interest of the Josephs in the Georgia Mining company.

9th. Bond and mortgage on the banking house of the Cohens for \$66,300.

To the debt originally due the state from the Cohens of \$294,-564 73 should be added mortgages on the above property to the amount of \$112,000, and the sum of \$38,851 paid by the State on instalments of stocks, making the debt \$445,415 73; from which should be subtracted \$5,000, the rent of the factory for the last year, and \$47,080 received from the sale of railroad stock, leaving the amount a little less than 400,000.

The Morris Canal and Banking company stand indebted to the State of Indiana in the sum of \$980,000 for bonds of the state purchased from Samuel Merrill, President of the State Bank, which the company has failed to pay agreeably to contract, and for which the State holds the following securities, to wit:

1st. 12,000 shares of stock in Little Susquehannah rail- road company, worth at par	- - -	\$600,000
2d. 625 shares of stock in the City Bank of Buffalo	-	62,000
3d. 641 shares of stock in the Planters' and Merchants' Bank in Mobile	- - - - -	64,100
4th. 74 shares of stock in the Bank of Mobile	-	7,400

5th. 50 shares of stock in the Commercial Bank of Manchester, Miss.	5,000
6th. 473 1-3 shares of 500 acres per share, in a tract of 1,200,000 acres of land at the mouth of Apalachicola in Florida	236,000
7th. 40 shares in the Mississippi and Arkansas land company 22,222 acres first cost	40,000
8th. Pier and lots in Jersey City	250,000
9th. Draft on Columbus Insurance company, Ohio	20,000
	<hr/> \$1,285 666

The actual value of the numerous and multifarious stocks and varieties of property held by the State in security for the bonds of the State, or rather the mortgages upon the plantations of our farmers, which are now hawking about the streets of the principal eastern and European cities, like tin ware in the hands of a Yankee pedlar, your committee have no means of ascertaining, nor do they think it would be proper if it were in their power to give that information now. The known misfortunes and calamities of the country are enough for the present. They are sufficient to call down the imprecations of every citizen of Indiana, upon those whose mismanagement has brought them into this dilemma. To give the value of these stocks would be as difficult as to predict the changes of the weather for the next twenty years. The quotations by the eastern papers would give the present value of the stocks in the market. The committee cannot, however, refrain from expressing their profound regret in view of the humiliating condition in which the State is now situated, as the landlord of a soap factory; the owner of town lots and of stocks in innumerable petty corporations; and an adventurer in forty different kinds of wild and ruinous speculations.

Respecting the policy of the bank, in making advances for the prosecution of the public works, beyond the amount provided by the fund commissioners for that purpose, your committee view the interests of the internal improvement system and the bank as being closely allied. Most of the towns in the state, at which branches of the State Bank are located, are identified with the public works, both in interest and feeling. The directors and managers of the bank, a large majority at least of them, are the friends and advocates of the system. The pride and wishes of the people in the vicinity of the branch banks, all combined to influence the branches to make advances, for the purpose of pushing the works to that point, at which it would be more ruinous to recede than to press forward. The system was brought into existence, and the consent of the people obtained to its commencement, by presenting to the country false and imperfect representations; by assuming the position that the system could be completed for \$10,000,000, and that no additional tax would be required to pay the interest on the state debt. This has been in part accomplished, by paying the interest on loans with principal, thereby increasing the public debt, and deceiving the people as to the true amount of taxes, which should be

collected to pay the whole of the interest on the public debt. The banks, in making the advances in question, have increased the state debt beyond what it would now be, to the amount of nearly one million and a half of dollars, most of which will be an entire loss to the state. In August last the contractors were informed by the board of internal improvement, that there were no funds on hand, and no prospect of obtaining any to meet the contracts. They were, therefore, advised to suspend all further operations on the public works, until funds could be procured. It is believed that most of the contractors would have suspended under this order, but for the aid afforded by the banks. Five hundred thousand dollars thus advanced have, in the opinion of the committee, enabled the contractors to perform labor to the amount of double that sum, which added to the bank debt, would make \$1,500,000 of state debt created in consequence of the aid afforded by the bank, after the means of the state had failed, and been exhausted. The banks allege that on making these advances they acted in accordance with the policy adopted at the commencement of the system; and with the opinions expressed by the fund commissioners, that funds would be provided, as usual, to meet the payments.

The banks, in their desire to encourage the prosecution of the public works, have diverted from the ordinary business transactions of the country, near three quarters of a million of dollars, and at a time, above all others, when they should have been able to lend a helping hand to business men, and to enable the produce dealers to purchase the surplus products of the country. But, on the contrary, the banks during the months of August, September, October, and November last, withdrew from their usual and useful channel, and from their regular customers, more than seven hundred thousand dollars; threw it upon the public works: and thereby added a large amount to our already enormous state debt, the interest on which cannot be liquidated without a corresponding increase of taxation. Further remarks upon this branch of the subject are deemed unnecessary as the practical effects of this policy upon the interests and business of this country, can be easily perceived by all who are conversant with the facts. And the people, although perhaps to some extent the friends of the bank, will not be slow to condemn that policy, which has contributed to bring upon young and flourishing Indiana, a general stagnation of business, universal prostration of prices; and the banks themselves, and thousands of our citizens, to the verge of bankruptcy; blighted the fairest prospects of the state, crippled the energies and broken down, to a great degree, the spirits of our hitherto prosperous and enterprising people. By the connection of the bank with the system of internal improvements, and by the united influence and exertions of the friends of both, the state has been plunged into an eternal debt, and taxation and oppression have been heaped upon the people, which must descend like hereditary disease, and fasten their deadly fangs upon posterity.

Your committee conceive it to be a question of great and paramount importance, and one which ought to be submitted directly to the peo-

ple, whether the unholy alliance existing between the bank and the internal improvement system, ought not to be immediately and forever severed. Whether to preserve the bank and make it answer the ends designed by the country, it can be longer prostituted to the embraces of this corrupt and corrupting influence. Shall the fortunes of the bank and the system of '36 be embarked in the same vessel, to be stranded on the same sands, or wrecked by the same winds; to be swept from existence; by the irresistible current of public indignation, now directed with unerring certainty against the latter; or shall the bank be snatched from her dangerous position, and placed again in her sphere of duty and usefulness, and be made to facilitate and serve the business of the country, in the legitimate channel of trade, rather than to sport and gambol with wild and reckless speculations, in schemes of extravagance and outrage, upon the rights and interests of the community, unequalled in the history of any country, and resulting in the utter prostration of the character and credit of the state? Shall the connection be broken and the bank saved? or shall they both sink together?

THOMAS. J. HENLEY, Chairman.

J. I. MORRISON,

ELWOOD FISHER,

J. L. SPANN.

Mr. Bowles moved that one thousand copies of said report be printed for the use of the House.

Mr. Cooper moved that five hundred copies be printed.

Mr. Long moved that the report be laid upon the table, and one thousand copies be printed,

And the ayes and noes being requested thereon by Messrs. Bennett and Flint,

Those who voted in the affirmative were:

Messrs. Baker, Berkshire, Bowles, Campbell, Carlton of L., Clark, Davis, Eccles, Edmonson, English, Farley, Fisher, Fitch, Foster, Frisbie, Garrigus, Gardner, Haddon, Henley, Herriman, Hunt of J., Hunt of R., Jenckes, Johnson, Lane, Lanius, Long, McCormack, McCoy, Miller, Milroy, Moore of O., Moore of V., Morrison, Nelson of M., Osborn of F., Osborn of U., Perry, Robinson of Rush, Sands, Shiveley, Southard, Stewart, Sweetser, White, Wilson of W., Worster, and Mr. Speaker.—48.

Those who voted in the negative were:

Messrs. Allison, Arnold, Atherton, Beckett, Bell, Bennett, Buckles, Burke, Butler, Coats, Cogswell, Cooper, Cox, Dunn, Finch, Flint, Hamer, Hamblen, Hull, Jackson, Jamison, Jones, Judah, Lancaster, McGaughey, Montgomery, Morgan, O'Neill, Parker, Perviance, Porter, Rippey, Robinson of Ripley, Rush, Thompson, Wilson of M., Woodard, and Zenor.—38.

So said report was laid upon the table and one thousand copies ordered to be printed.

Mr. Jones made the following report:

MR. SPEAKER--

The select committee to whom was referred the petition of Wm. Wood and others, relative to a State road, have had the same under consideration, and directed me to report the accompanying bill, and recommend its passage, to wit:

No. 333, a bill to give the Board of county commissioners of Spencer county, jurisdiction over a certain portion of Warrick county;

Which was read three several times and passed, the rule being suspended.

Ordered, That the clerk inform the Senate thereof.

Mr. Allison made the following report:

MR. SPEAKER--

The select committee to whom was referred the petition of Moses Doley, and others, praying the location of a State road from Ross's iron works in Monroe county to Point Commerce in Green county, have had the same under consideration, and directed me report the following bill, to wit:

No. 334, a bill to locate a State road in the counties of Monroe and Green;

Which was read a first and second times; and,

On motion,

Committed to the committee on roads.

Mr. Morrison, on leave granted, offered for adoption the following preamble and resolution, which were adopted.

Whereas, doubts are entertained in regard to the construction which has been put on certain provisions of the common school law, whereby county seminaries, have, in some instances, been adopted as district schools; *Therefore*,

Resolved, That the judiciary committee be instructed to inquire into the constitutionality of adopting county seminaries as district schools.

Mr. Jenckes moved to take from the table a joint resolution No. 315, of the House of Representatives, to provide for the completion of the Cross Cut canal, and that it be referred to the committee on canals and internal improvements;

Which motion was decided in the affirmative, and the joint resolution so referred.

Mr. Rush, on leave, introduced

No. 335, a bill to amend an act entitled "an act pointing out the mode of levying taxes and fixing the per centum for State purposes," approved February 15th, 1839;

Which was read a first and second times; and

On motion,
Laid upon the table.

A message from the Senate, by Mr. Test their Secretary.

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that the Senate has adopted the following resolution:

Resolved, That the Senate will, the House of Representatives concurring therein, proceed on this day at 2 o'clock P. M. to the election of commissioners for the seminary townships in Gibson and Monroe counties, to fill the vacancies occasioned by the term of service of the former commissioners having expired by operation of an act passed this General Assembly, and that the House of Representatives be informed of the adoption of this resolution, and their concurrence requested.

On motion,
The resolution of the Senate was concurred in; and
Messrs. Miller and Campbell were appointed tellers on the part of the House.

Ordered, That the clerk inform the Senate thereof.

A message from the Senate by Mr. Test their Secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives, that the Senate has passed engrossed bills of the House as follows, to wit:

No. 7, an act providing for a uniform mode of ascertaining by weight the quantity of grain that shall pass for a standard bushel in this State.

No. 8, an act to recover the value of sheep killed by dogs;

No. 62, an act to amend an act entitled "an act providing for a more uniform mode of doing township business in the several counties therein named," approved February 17, 1838;

No. 94, an act declaring certain names therein misprints;

No. 135, an act amendatory to an act entitled "an act incorporating congressional townships, and providing for common schools therein.

No. 146, an act to encourage the raising of sheep and hogs, and to increase the revenue of the State and the wealth of the people;

No. 181, an act to authorize the relocation of the State road passing through the town of Rising Sun in the county of Dearborn;

No. 204, an act to incorporate the Lawrenceburgh and Napoleon turnpike company;

No. 259, an act to repeal an act entitled "an act to locate a State

read from New Albany in Floyd county to Charlestown in Clarke county," approved December 20, 1838;

Each with amendments, in which the concurrence of the House is respectfully requested;

Also, the Senate has passed engrossed bills of the House;

No. 96, an act to incorporate the Greensburgh and Vernon turnpike company;

No. 101, an act to establish a State road therein named;

No. 133, an act to amend an act entitled "an act to incorporate the town of Vevay," approved January 30, 1836;

No. 140, an act authorizing Daniel M. Ingersol and James Jessup to build a dam across Eel river in Green county;

No. 163, an act to allow further time to the Lawrenceburgh and Indianapolis Rail Road Company to settle up and close their affairs;

No. 195, an act to incorporate the Wabash Fire Company;

No. 198, an act concerning the estate of Benjamin F. Butts, deceased;

No. 246, an act for the relief of R. and H. Stewart;

No. 261, an act to change the name of the town of Parris in Lawrence county to that of Bruatsville;

Each without amendment.

Also the Senate has passed engrossed bills thereof as follows, to wit:

No. 51, an act relating to tipling houses;

No. 142, an act to change the route of the New Albany and Princetown State road within the limits of Leavenworth Crawford county;

No. 148, an act to amend the several acts for the promotion of schools and education in Clark's Grant and in reference to the school fund in Clark county;

In which also the concurrence of the House is respectfully requested.

The amendment of the Senate to bill of the House No 7, was concurred in.

Ordered, That clerk inform the Senate thereof.

Mr. Long, on leave granted, moved for adoption the following resolution:

Resolved, That the public printer be directed to correct a mistake that appears in the report of the bank committee, wherein the name of Mr. Fisher appears where the name of Mr. Bowles should appear, as far as he can do so.

Mr. Henley moved to amend the resolution; when

Mr. Cogswell moved that the resolution be laid upon the table;

Which motion was decided in the affirmative.

On motion,

The House adjourned until two o'clock, P. M.

Two o'clock P. M.

The House met pursuant to adjournment.

Mr. Miller introduced the following resolution, which was adopted, to wit:

Resolved, That the Senate be invited to attend in the Hall of the House of Representatives instanter, for the purpose of electing commissioners of the seminary townships in Gibson and Monroe counties, and that seats be provided for them on the right of the Speaker's chair.

Mr. Cogswell, on leave granted, introduced

No; 336, a bill to repeal an act to incorporate the Noblesville Insurance Company;

Which was read a first, second and third times and passed, the rule being suspended.

Ordered, That the clerk inform Senate thereof.

Mr. Sands moved to take under consideration bill of the House No. 323, to legalize the acts of the Board of justices of the peace of Crawford county;

Which motion was decided in the affirmative.

Said bill was then read a third time and passed.

Ordered, That Mr. Sands inform the Senate thereof.

On motion of Mr. McCoy,

The House proceeded to the consideration of bill No. 141, of the Senate, to change the name of Jacob Henry Humburgh.

Said bill was read a first, second and third times and passed.

Ordered, That the clerk inform the Senate thereof.

The Senate now, accordingly to invitation, came into the Hall of the House and took their seats on the right of the Speaker's chair—the President of the Senate on the right of the Speaker; when both Houses, on joint ballot, proceeded to the election of a commissioner of the seminary lands in Monroe county.

On counting the first ballot it appeared that

John M. Berry received	-	-	-	116 votes.
Scattering	-	-	-	14 "

John M. Berry having received a majority of the whole number of votes given, was, by the President of the Senate, in presence of both Houses of the General Assembly declared duly elected commissioner of the seminary lands in Monroe county, to serve as such for the term of three years.

Both Houses, in like manner, proceeded to the election of a commissioner of the seminary lands in Gibson, counting the first ballot it appeared that

James Smith received	-	-	-	83 votes
Scattering	-	-	-	45 "

James Smith having received a majority of the whole number of votes given, was, by the President of the Senate, in presence of both Houses of the General Assembly, declared duly elected commissioner of the seminary township, of land in Gibson county for the term of three years.

Mr. Milroy presented the petition of sundry citizens of Carroll county, praying for an additional justice of the peace in Tippecanoe township Carroll county, to reside in Pittsburgh;

Which was referred to the same select committee heretofore appointed on that subject.

Mr. Henley moved that bill No. 321, of the House, to amend an act entitled "an act pointing out the mode of levying taxes and fixing the per centum for State purposes," approved February 15th, 1839, be postponed until Monday next, and be made the special order of the day for that day, instead of this afternoon,

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Arnold, Baker, Bowles, Buckles, Campbell, Carlton of L., Clark, Cogswell, Conaway, Davis, Eccles, Edmonson, English, Fisher, Fitch, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamblen, Henley, Herriman, Hull, Hunt of J., Johnson, Lane, Lancaster, Lanius, Lee, Long, McCoy, Miller, Milroy, Monroe, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of U., Perry, Porter, Rippey, Robinson of Rush, Sands, Shiveley, Southard, Spann, Stewart, Warriner, Wheeler, White, Wilson of W., Worster, and Mr. Speaker—55.

Those who voted in the negative were:

Messrs. Allison, Atherton, Beckett, Bell, Bennett, Berkshire, Burke, Butler, Coats, Cooper, Cox, Cutter, Dunn, Finch, Hunt of R., Jackson, Jamison, Jenckes, Jones, McGaughey, Montgomery, Morgan, O'Neill, Osborn of C., Osborn of F., Parker, Perviance, Robinson of J., Robinson of Ripley, Rush, Sweetser, Thompson, Wilson of M., Woodard, and Zenor—36.

The House again proceeded to the consideration of the message from the Senate.

The amendments of the Senate to bills of the House Nos. 8, 62, 94, 146, 181, 201, and 250 were concurred in by the House.

The amendment of the Senate to bill of the House No. 146, to encourage the raising of sheep and hogs, and to increase the revenue of the state and the wealth of the people, to wit: striking out the second section, reviving the act granting a premium on wolf-scalps out of the State Treasury, was taken under consideration.

And the ayes and noes being requested thereon,

Those who voted in the affirmative were :

Messrs. Allison, Atherton, Baker, Bell, Bennett, Berkshire, Burke, Campbell, Carlton of L., Clark, Cogswell, Conaway, Cooper, Cutter, Davis, Eccles, Farley, Finch, Frisbie, Garrigus, Gardner, Haddon, Hamblen, Henley, Hull, Hunt of J., Jackson, Jamison, Jenckes, Jones, Lane, Lancaster, Lanius, Lee, Long, McCormack, McCoy, McGaughey, Miller, Milroy, Monroe, Moore of O., Moore of V., Morgan, Morrison, O'Neill, Osborn of F., Osborn of U., Perry, Porter, Robinson of Ripley, Robinson of Rush, Sands, Southard, Spann, White, Woodard Worster, Zenor, and Mr. Speaker—61.

Those who voted in the negative were :

Messrs. Arnold, Beckett, Bowles, Buckles, Coats, Cox, Dunn, Edmonson, English, Foster, Herriman, Hunt of R., Montgomery, Nelson of B., Nelson of M., Osborn of C., Parker, Perviance, Rippey, Rush, Stewart, Sweetser, Thompson, Warriner, Wheeler, Wilson of M., and Wilson of W.—26.

Bill No. 51, of the Senate, relating to tipling houses, was read a first time and passed to a second reading.

No. 142, a bill of the Senate, to change the route of the New Albany and Princeton state road, within the limits of Leavenworth Crawford county, was read a first, second and third times, and passed.

Ordered, That the clerk inform the Senate thereof.

No. 148, a bill of the Senate to amend the several acts for the formation of schools, and education in Clerk's Grant, and in reference to school fund in Clark county, was read a first and second times, the rule being suspended, and passed to a third reading.

A message from the Senate, by Mr. Test their Secretary :

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives, that the Senate has passed engrossed bills thereof, as follows, to wit:

No. 140. An act to authorize the election of a justice of the peace, and a constable in the town of New Trenton, in the county of Franklin.

No. 141. An act to change the name of Henry Homburg.

No. 144. An act to incorporate the Indianapolis Typographical Society.

No. 149. An act fixing the time of holding the sessions of the board of commissioners of Marion county, in the year 1840, in which the concurrence of the House is respectfully requested.

Bill No. 140, mentioned in the message, was read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

Nos. 144 and 149 were severally read a first time, and passed to a second reading.

Mr. Herriman, on leave, introduced

No. 337, a joint resolution to provide for the prosecution of the Erie, and Michigan canal;

Which was read a first, and second times; when

Mr. Beckett moved that the joint resolution be laid upon the table;

Which motion did not prevail.

Mr. Herriman moved that the bill be committed to the committee on canals and internal improvements;

Which motion was decided in the affirmative.

A message from the Senate, by Mr. Thompson, a member:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives, that the Senate has passed an engrossed bill thereof No. 28 entitled "an act to abolish capital punishment, in which the concurrence of the House is respectfully requested.

The said bill was read a first and second times; when

M. Bennett moved that said bill be committed to the committee on the judiciary;

Which motion was decided in the affirmative.

The House now proceeded to the consideration of bills on their second reading.

No. 322, a bill to equalize the payment of taxes for improvement purposes, to the stock-holders of the Richmond and Brookville canal, with the other citizens of the state, was read a second time; when

Mr. Wheeler moved that said bill be indefinitely postponed.

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Beckett, Berkshire, Bowles, Carlton of L., Clark, Conaway, Davis, Edmonson, English, Frisbie, Garrigus, Hamer, Hamblen, Herriman, Lane, Lanius, Lee, Moore of V., Nelson of B., Perry, Stewart, Wheeler, White, and Wilson of W.—24.

Those who voted in the negative were:

Messrs. Allison, Arnold, Atherton, Baker, Bell, Bennett, Buckles, Burke, Butler, Coats, Cogswell, Cutter, Dunn, Eccles, Everts, Finch, Flint, Foster, Haddon, Hull, Hunt of R., Jackson, Jamison, Jenckes, Johnson, Judah, Lancaster, Long, McCormack, McCoy, McGaug-

hey, Miller, Milroy, Monroe, Montgomery, Morgan, Morrison, Nelson of M., O'Neill, Osborn of F., Osborn of U., Parker, Perviance, Porter, Rippey, Robinson of J., Robinson of Ripley, Robinson of Rush, Rush, Sands, Shiveley, Southard, Spann, Thompson, Wilson of M., Worster, and Mr. Speaker--55.

The bill was then ordered to be engrossed for a third reading.

Mr. Everts, on leave granted, presented the petition of sundry citizens of Lake county, in reference to the place of holding courts in said county;

Which was referred to the committee on the judiciary.

No. 209, a bill of the House was taken under consideration.

Mr. Clark moved to amend the bill by inserting, in the sixth line, after the word "refusing," the words, "if a commissioned officer", and to insert, at the end of the section, the words following, to wit:

"And if a non-commissioned officer or private, they shall be subject to the following fines, and penalties, viz: For each failure to attend any regimental or battalion muster, one dollar, and fifty cents, and for failing to attend any company muster, one dollar, such person or persons having all the privileges now allowed them by law, to make their defence."

Mr. Finch moved that the bill and amendment be committed to a select committee.

Mr. Fitch moved that the bill and amendment be laid upon the table;

Which motion was decided in the negative.

Mr. Cooper moved that the bill be indefinitely postponed,
And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Atherton, Baker, Beckett, Bennett, Campbell, Carlton of L., Cooper, Cox, Fitch, Herriman, Jackson, Lancaster, Lanius, Montgomery, Parker, Perry, Robinson of Rush, Shiveley, Warriner, White, Wilson of W., and Worster--21.

Those who voted in the negative were:

Messrs. Arnold, Bell, Berkshire, Bowles, Burke, Butler, Clark, Coats, Cogswell, Conaway, Cutter, Davis, Dunn, Eccles, Edmonson, English, Farley, Finch, Fisher, Flint, Foster, Frisbie, Garrigus, Haddon, Hammer, Hamblen, Henley, Hull, Hunt of J., Hunt of R., Jamison, Jenckes, Judah, Lane, Lee, Long, McCormack, McCoy, McGaughey, Miller, Monroe, Moore of O., Moore of V., Morgan, Morrison, Nelson of B., Nelson of M., O'Neill, Osborn of F., Osborn of U., Porter, Rippey, Robinson of J., Robinson of R., Sands, Southard, Spann, Stewart, Sweetser, Thompson, Woodard, and Zenor--60.

So said bill was not indefinitely postponed.

On the question, shall said bill be committed to a select committee,
And the ayes and noes being reported thereon,

Those who voted in the affirmative were:

Messrs. Arnold, Baker, Beckett, Bennet, Berkshire, Campbell, Carlton of L., Cogswell, Cooper, Cox, Dunn, Edmonson, Farley, Finch, Fitch, Foster, Herriman, Hunt of R., Jackson, Jenckes, Johnson, Lane, Lancaster, Lanius, McCormack, McCoy, McGaughey, Monroe, Morgan, Parker, Robinson of Rush, Rush, Shiveley, Stewart, Sweetser, Thompson, White, Wilson of M., Wilson of W., Woodard, and Worster—40.

Those who voted in the negative were:

Messrs. Atherton, Bell, Bowles, Buckles, Burke, Butler, Clark, Coats, Conaway, Davis, Eccles, English, Fisher, Flint, Frisbie, Gardner, Haddon, Hamer, Hamblen, Hull, Hunt of J., Jamison, Judah, Lee, Long, Miller, Montgomery, Moore of O., Moore of V., Nelson of B., Nelson of M., O'Neill, Osborn of F., Osborn of U., Perry, Porter, Rippey, Robinson of J., Robinson of R., Sands, Southard, Spann, Warriner, Zenor, and Mr. Speaker—46.

Mr. Cooper moved that the further consideration of the bill be postponed until the 16th inst.

Mr. Osborn of F., made the following report:

MR. SPEAKER—

The joint committee on enrolled bills report that they did this day compare the enrolled with the engrossed acts which originated in the Senate, of the following titles, to wit:

No. 105, an act to amend an act entitled "an act to incorporate the Western Literary Society of the Wabash College in the county of Montgomery," approved February 7th, 1835.

No. 116, an act to incorporate the Livonia Guards.

No. 121, an act to amend an act entitled "an act to incorporate the Perrysville and Danville railroad company, approved January 26, 1836.

Also bills of the House, to wit:

No. 201, an act for the relocation of the seat of justice in the county of Lake.

No. 268, an act to authorize Absalom Fraseur to sell and convey a part of the public square in the town of New Washington;

No. 304, an act declaring a part of Salt creek a public highway;

No. 171, an act concerning the duties of the school commissioner of Crawford county;

No. 266, an act for the relief of Lake county, and find the same truly enrolled.

Whereupon the Speaker signed the same.

Oedered, That the Clerk carry the same to the Senate for the signature of their President.

Mr. Osborn of F. made the following report:

MR. SPEAKER—

The joint committee on enrolled bills report that they did this day present to his excellency the Governor for his approval and signature the following entitled acts and joint resolution which originated in the House of Representatives, to wit:

No. 185, a joint resolution in relation to contractors;

No. 159, an act to fix the time of holding Probate courts in Marion county;

No. 150, an act relative to the Probate court of Baltholomew county;

No. 149, an act to legalize the acts of the Probate court of De Kalb county;

No. 129, an act to authorize John T. Wheeler, a minor, to sell certain real estate therein named;

No. 127, an act to amend an act entitled "an act to incorporate the Richmond and Boston Turnpike company;

No. 86, an act to relocate the seat of justice in the county of Lagrange;

No. 51, an act to repeal a part of an act entitled an act concerning Knox county;

No. 47, an act to vacate the town of Economy in Gibson county;

No. 46, an act regulating the jurisdiction of justices of the peace in Grant county;

No. 43, an act to amend an act entitled "an act organizing the Supreme court and defining its powers and duties, approved February 17, 1838;

No. 33, an act legalizing the acts and proceedings of the trustees of school district township No. 6, north of range 9 west in, Sullivan county, in relation to the town of Edwardsport;

No. 18, an act to regulate the jurisdiction of justices of the peace in Green county;

No. 172, an act to provide for the election of a justice of the peace in the town of Owensville in Gibson county;

No. 165, an act to authorize the holding of an additional term of the circuit court for the county of Washington;

No. 191, an act to provide for the election of a justice of the peace and constable in the town of White Hall in Owen county;

No. 184, an act to revive an act to incorporate the Lagrange county manufacturing company;

No. 190, an act to revive an act entitled "an act for the benefit of persons who are likely to suffer by the destruction of the records of Dearborn county, which were consumed in the court house in Lawrenceburgh on the 6th of March 1826," approved January 11, 1827;

No. 188, an act to declare the meaning of the 29th section of an act entitled "an act to regulate the mode of doing county business in the several counties in this State," approved February 17, 1838;

No. 180, an act to repeal an act entitled "an act providing for the clearing out of Prides creek in Pike county," approved January 21, 1839;

No. 179, an act to incorporate Lagrange Collegiate Institute;

No. 213, an act to relocate the county seat of Scott county;

No. 258, an act for the relief of the heirs and administrators of John Tipton deceased;

No. 262, an act to provide for the election of a justice of the peace in the town of Jacksonville in the county of Fountain;

No. 287, an act to amend an act entitled "an act dividing the State into judicial circuits and fixing the time of holding courts therein and for other purposes;"

No. 276, an act to change the name of Mary Burroughs;"

No. 271, an act supplemental to an act providing for the election of three school commissioners in township No. 14 north of range 7 west in Parke county, approved December 1839.

On motion,

The House adjourned until to-morrow morning at nine o'clock.

THURSDAY, FEBRUARY 13th, 1840.

The House met pursuant to adjournment.

Mr. Lane, on leave granted, offered the following resolution:

Resolved, That the Secretary of the Board of Commissioners of the Sinking Fund be, and he is hereby required to report to this House, at as early a day as possible, the amount of such fund loaned, to whom, the amount loaned to each, and when, and the county in which each borrower resides, accompanied with the opinion of the President of said board, as to the sufficiency of the mortgages taken as security.

On the question, shall said resolution be adopted? it was decided in affirmative.

Mr. Bennet, from the committee on claims, made the following report:

MR. SPEAKER—

The committee on claims, to whom was referred the claim of Andrew Wilson, for an unpaid balance due him, for constructing a bridge over White river, on the Michigan road, have, according to order, had that subject under consideration, and have directed me to report the following resolution, and recommend its adoption, viz:

Resolved, That the committee of ways and means be directed, to allow, in the specific appropriation bill, to said Andrew Wilson, the sum of nine hundred and seven dollars for said services.

Mr. Moore of O., moved to amend the resolution, so that the money shall be paid, as soon as received at the State Treasury, from the sale of Michigan road lands,

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

*Messrs. Baker, Campbell, Cooper, Davis, Eccles, Edmonson, English, Garrigus, Hamer, Herriman, Hunt of J., Lanius, Monroe, Moore of O., Moore of V., Morrison, Osborn of C., Osborn of F., Osborn of U., Sands, Shively, Stewart, White, Worster, and Mr. Speaker—22.

Those who voted in the negative were:

Messrs. Allison, Arnold, Atherton, Beckett, Bell, Bennett, Berkshire, Bowles, Buckles, Burke, Butler, Clark, Coats, Cogswell, Cox, Dunn, Farley, Finch, Fitch, Foster, Frisbie, Hamblen, Hull, Hunt of R., Jackson, Jamison, Jenckes, Jones, Lancaster, Lee, McGaughey, Milroy, Montgomery, Morgan, Nelson of B., Nelson of M., O'Neill, Parker, Perviance, Porter, Robinson of J., Robinson of Ripley, Rush, Southard, Spann, Sweetser, Thompson, Warriner, Wheeler, Wilson of M., Wilson of W., Woodard, and Zenor—53.

So said amendment was not adopted.

Mr. Allison moved to reconsider the vote, taken on the adoption of Mr. Moore's amendment; which was decided in the affirmative.

On the question, shall said amendment be adopted?

The ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Allison, Baker, Bell, Berkshire, Buckles, Campbell, Carlton of L., Clark, Coats, Conaway, Cooper, Davis, Dunn, Eccles, Edmonson, English, Fisher, Garrigus, Gardner, Hamer, Hamblen, Henley, Herriman, Hull, Jackson, Jamison, Lane, Lanius, Lee, McCoy, Miller, Monroe, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of C., Osborn of F., Osborn of U.,

Perry, Porter, Rippey, Robinson of Rush, Sands, Shiveley, Stewart, White, Worster, Zenor, and Mr. Speaker—50.

Those who voted in the negative were:

Messrs. Atherton, Beckett, Bennett, Bowles, Burke, Butler, Cogswell, Cox, Cutter, Farley, Finch, Fitch, Foster, Frisbie, Hunt of R., Jenckes, Jones, Judah, Lancaster, McGaughey, Milroy, Morgan, O'Neill, Parker, Robinson of J., Robinson of Ripley, Rush, Southard, Spann, Sweetser, Thompson, Warriner, Wheeler, Wilson of W., and Woodard—34.

So said amendment was not adopted.

Mr. Sweetser moved that the resolution be indefinitely postponed; Which motion was decided in the affirmative.

Mr. Moore of O., moved to reconsider the vote on concurring in the amendment of the Senate, to the bill of the House, relative to the weight of grain, &c.;

Which motion was decided in the negative.

Mr. Farley made the following report:

MR. SPEAKER—

The committee of free conference, appointed to take into consideration the disagreeing votes of the two Houses on the amendment made by this House to the engrossed bill of the Senate for the relief of Phebe Clymer, have agreed to amend the bill by striking out the words three hundred dollars, and inserting in lieu thereof the words two hundred and fifty dollars.

On motion,

The report of the committee was concurred in.

Mr. Stewart presented the petition of sundry citizens of Clark and Floyd counties, in relation to the boundary line of said counties;

Which was referred to a select committee of Messrs. Stewart, Henley and English.

Mr. McGaughey presented the petition of William T. Scott and others, on the subject of a certain State road therein;

Which motion was referred to the committee on the judiciary.

Mr. Hamer, on leave granted, offered the following resolution; which was adopted, to wit:

Resolved, That the judiciary committee be instructed to inform this House, which will be lawful, to receive grain by the law passed yesterday, or by the old law, with leave to report by bill or otherwise.

Mr. Sweetser moved that the rule be suspended, and the report of the committee on the State Bank be taken under consideration;

Which motion was decided in the affirmative.

On the question, shall the report be concurred in?

The ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Bowles, Buckles, Campbell, Carlton of L., Clark, Conaway, Cutter, Davis, Eccles, Edmonson, English, Farley, Fisher, Frisbie, Garrigus, Gardner, Haddon, Hamblen, Henley, Herriman, Hull, Hunt of J., Lane, Lanius, Lee, M'Cormack, M'Coy, Miller, Milroy, Monroe, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of F., Osborn of U., Perry, Perviance, Porter, Rippey, Robinson of Rush, Sands, Shiveley, Southard, Spann, Stewart, Warriner, Wheeler, White, Wilson of ., Worster, Zenor, and Mr. Speaker—54.

Those who voted in the negative were:

Messrs. Allison, Arnold, Atherton, Baker, Beckett, Bell, Bennet, Berkshire, Burke, Butler, Coats, Cooper, Cox, Dunn, Everts, Finch, Flint, Hunt of R., Jackson, Jamison, Jencks, Johnson, Jones, Judah, Lancaster, McGaughey, Montgomery, Morgan, O'Neill, Osborn of C., Parker, Robinson of J., Robinson of R., Rush, Sweetser, Thompson, Wilson of M., Woodard, and Zenor—38.

So said report was concurred in.

Mr. Bowles moved to suspend the rules, and take under consideration, No. 227, a joint resolution of the House of Representatives, in relation to Samuel Merrill, Calvin Fletcher, and Robert Morrison;

Which was decided in the affirmative.

Mr. Thompson moved to amend said joint resolution, by striking it out from the resolving clause, and inserting the following:

Whereas, all dealers in banks should be held up to public odium as having borrowed all they are liable for partners, endorsers, and discounters; *And whereas*, When any director or stockholder makes a loan, it is sufficient proof that he never intends to pay it; *And whereas*, it answers the purpose at this time to make merchants hateful to the public, and therefore all they are liable for on account of farmers, and to aid in the exportation of produce must be considered as laid out in foreign goods, and thus merchants must be made to pay up their debts without collecting from others; *And whereas*, it is important to raise a prejudice against the towns and counties where the banks are situated; all the loans made in them must be represented as specially for their benefit, even though the produce of the whole district is bought with it; *And whereas*, farmers can attend to their business at home, and also engage in trade and business abroad much better than those who attend to nothing else; *And whereas*, the responsibility or losses thrown on the directors and private stockholders is no reason why they should have any influence in the government of the bank; *And whereas*, the payment of the penalty to the holder of bills who are refused specie, is no satisfaction to persons who have none of the bills; *And whereas*, some of the branches have refused specie to brokers and foreigners, and some of them have "issued" one and three dollar

bills of other banks, the guilty branches should therefore be closed up immediately, even though their debtors be ruined, and the private stockholders, and the State itself lose the stock therein; *And whereas*, the President and four of the State directors, being a third of the whole should be held personally responsible for not making "two thirds" of them suspend their own branches; *And whereas*, the State Board once presumed to issue process against a branch for the "trivial cause" of its cashier having made false entries to conceal violations of the charter, and for having applied the money of the bank to his own and his friends private use; *And whereas*, the interference with this matter "on questionable authority," has insulted the committee in the person of one of their members, who was the said persecuted cashier; *And whereas*, the President of the State Bank has regretted the disappointment in failing to procure the instalment of the bank to be paid as was agreed; and has only secured the State against loss instead of Swautwouting with the whole concern. Therefore for these and other sufficient reasons,

Resolved, That Samuel Merrill, President, and Robert Morrison and Calvin Fletcher, directors, be immediately removed from office, as they have not complied with the request of the committee to resign the same.

And whereas, Elwood Fisher has been a laborious member of the committee, and has established facts without proof; and drawn conclusions without reason; and has investigated the proceedings of the State Bank without looking at them, and shown that they are wrong without knowing what they are; and has proved that the payment of specie is the only essential of banking, and has provided for a bank without specie, and has shown that bank and rail road stock, and lands, lots and wharves are nothing, and has made a new stock out of the Lord knows what, to be "a more convertible and available property than is now possessed." Therefore for these and other services;

Resolved, That the said Elwood Fisher be appointed agent under the 26th section of the charter to examine the bank and branches, in the belief, that as such agent he can prove any thing that may be desired.

Be it further resolved, That the word Fisher, where it appears on the title page of the report of the committee on the State Bank be declared a misprint, and the name of Bowles be inserted in lieu thereof.

Mr. Gardner called for a division of the question, and the question being put on striking out,

And the ayes and noes being requested thereon.

Those who voted in the affirmative were:

Messrs. Allison, Atherton, Beckett, Bell, Bennett, Berkshire, Burke, Butler, Coats, Cooper, Cox, Finch, Flint, Hunt of R., Jackson, Jamison, Jenckes, Jones Judah, Lancaster, McGaughey, Montgomery, Morgan, O'Neill, Parker, Robinson of J., Robinson of Ripley, Rush, Thompson, Wilson of M., Woodard, and Zenor—33.

Those who voted in the negative were:

Messrs. Albertson, Arnold, Baker, Bowles, Buckles, Campbell, Carleton of F., Carlton of L., Clark, Conaway, Cutter, Davis, Eccles, Edmonson, English, Farley, Fisher, Fitch, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamblen, Henley, Herriman, Hull, Hunt of J., Johnson, Lane, Lanius, Lee, M'Cormack, M'Coy, Miller, Milroy, Monroe, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of C., Osborn of F., Osborn of U., Perry, Perviance, Porter, Rippey, Robinson of Rush, Sands, Shiveley, Southard, Spann, Stewart, Sweetser, Warriner, Wheeler, Wilson of W., Worster, and Mr. Speaker—60.

So the House refused to strike out the joint resolution.

Mr. Sweetser moved to amend the resolution by striking out the name of Robert Morrison,

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Allison, Arnold, Atherton, Baker, Bell, Bennett, Berkshire, Burke, Butler, Coats, Cooper, Cox, Dunn, Everts, Finch, Flint, Hunt of R., Jackson, Jamison, Jenckes, Jones, Judah, Lancaster, McCaughey, Montgomery, Morgan, O'Neill, Parker, Perviance, Robinson of J., Robinson of Ripley, Rush, Shiveley, Southard, Sweetser, Thompson, Wilson of M., Woodard, and Zenor—39.

Those who voted in the negative were:

Messrs. Albertson, Bowles, Buckles, Campbell, Carlton of L., Clark, Conaway, Davis, Eccles, Edmonson, English, Farley, Fisher, Fitch, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamblen, Henley, Herriman, Hull, Hunt of J., Johnson, Lane, Lanius, Lee, McCormack, McCoy, Miller, Milroy, Monroe, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of C., Osborn of F., Osborn of U., Perry, Porter, Rippey, Robinson of Rush, Sands, Spann, Stewart, Warriner, Wheeler, White, Wilson of W., Worster, and Mr. Speaker—54.

Which amendment was not adopted.

On the question, Shall said joint resolution be engrossed for a third reading?

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Bowles, Buckles, Carlton of L., Clark, Conaway, Davis, Eccles, Edmonson, English, Fisher, Fitch, Frisbie, Garrigus, Haddon, Hamblen, Henley, Herriman, Hull, Hunt of J., Lane, Lan-

us, Lee, McCormack, McCoy, Miller, Milroy, Monroe, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of C., Osborn of U., Perry, Perviance, Porter, Rippey, Robinson of Rush, Sands, Spann, Stewart, Warriner, Wheeler, White, Wilson of W., Worster, and Mr. Speaker—50.

Those who voted in the negative were:

Messrs. Allison, Arnold, Atherton, Baker, Beckett, Bell, Bennett, Berkshire, Burke, Butler, Campbell, Coats, Cooper, Cox, Dunn, Everts, Farley, Finch, Flint, Foster, Hamer, Hunt of R., Jackson, Jamison, Jenckes, Johnson, Jones, Judah, Lancaster, Long, McGaughey, Morgan, O'Neill, Osborn of F., Parker, Robinson of J., Robinson of Ripley, Rush, Shiveley, Southard, Sweetser, Thompson, Wilson of M., Woodard, and Zenor—44.

So said joint resolution was engrossed for a third reading.

Mr. Lane moved to suspend the rule, and read the joint resolution a third time now;

Which motion was decided in the affirmative.

The joint resolution was then read a third time; and

On the question, Shall said joint resolution pass?

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Bowles, Buckles, Carlton of L., Clark, Conaway, Cutter, Davis, Eccles, Edmonson, English, Fisher, Fitch, Frisbie, Garrigus, Gardner, Haddon, Hamblen, Henley, Herriman, Hull, Hunt of J., Lane, Lanius, Lee, McCormack, McCoy, Miller, Milroy, Monroe, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of C., Osborn of U., Perry, Perviance, Porter, Rippey, Robinson of Rush, Sands, Spann, Stewart, Warriner, Wheeler, White, Wilson of W., Worster, and Mr. Speaker—51.

Those who voted in the negative were:

Messrs. Allison, Arnold, Atherton, Baker, Beckett, Bell, Bennett, Berkshire, Burk, Butler, Campbell, Carleton of F., Coats, Cooper, Cox, Dunn, Everts, Farley, Finch, Flint, Foster, Hamer, Hunt of R., Jackson, Jamison, Jenckes, Johnson, Jones, Judah, Lancaster, Long, McGaughey, Montgomery, Morgan, O'Neill, Osborn of F., Parker, Robinson of J., Robinson of Ripley, Rush, Shiveley, Southard, Sweetser, Thompson, Wilson of M., Woodard, and Zenor—47.

So said joint resolution passed.

Ordered, That the clerk inform the Senate thereof.

The House adjourned until two o'clock, P. M.

Two o'clock, P. M.

The House met pursuant to adjournment.

Mr. English, on leave granted, introduced No. 338, a bill concerning school districts in Scott county; Which was read a first, second and third times and passed.
Ordered, That the clerk inform the Senate thereof.

Mr. Robinson of Rush moved to take from the table, bill of the House, No. 120, a bill to provide that the people may elect their own assessors and collectors, and for other purposes;

Which motion was decided in the affirmative.

Mr. Cutter moved that the bill be laid upon the table and one hundred copies be printed;

Which motion did not prevail.

Mr. Bennett moved that the House do now resolve itself into a committee of the whole, on said bill;

Which motion was decided in the affirmative.

The House, according to order, resolved itself into a committee of the whole House, on said bill, Mr. Finch in the chair; and after some time spent therein, the committee rose and the chairman reported the bill and amendments to the House and asked its concurrence.

Mr. Miller moved that the bill and amendments be indefinitely postponed,

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Atherton. Davis, Dunn, English, Finch, Gardner, Henley, Jenckes, Judah, M'Cormack, Miller, Moore of V., Nelson of B., and Sweetser—14.

Those who voted in the negative were:

Messrs. Albertson, Allison, Arnold, Baker, Beckett, Bell, Bennett, Berkshire, Bowles, Buckles, Burke, Butler, Campbell, Carleton of L., Clark, Coats, Cogswell, Cooper, Cox, Cutter, Eceles, Edmonson, Farley, Fisher, Foster, Frisbie, Garrigus, Hamblen, Hamer, Herriman, Hull, Hunt of J., Hunt of R., Jackson, Johnson, Jones, Lane, Lancaster, Lanius, Lee, Long, M'Coy, M'Gaughey, Milroy, Montgomery, Moore of O., Morgan, Morrison, O'Neill, Osborn of C., Osborn of F., Osborn of U., Parker, Perry, Perviance, Porter, Rippey, Robinson of J., Robinson of Ripley, Robinson of Rush, Rush, Sands, Shiveley, Southard, Spann, Stewart, Thompson. Warriner, Wilson of M., Wilson of W., Woodard, Worster, Zenor. and Mr. Speaker—74.

So said bill and amendment was not indefinitely postponed.

Mr. Cutter moved to re-commit the bill and amendment to a select committee;

Which motion was decided in the negative.

Mr. Cutter moved that the bill and amendment be referred to the committee on the judiciary;

Which motion did not prevail.

Mr. Cutter moved that the bill and amendment be laid upon the table;

Which motion was decided in the negative.

On motion,

The amendment made in committee of the whole was concurred in.

Mr. Bennett moved further to amend the bill by inserting the following as an additional section, to wit:

"Sec. —. That it shall be the duty of each of such township collectors, to give at least thirty days' notice, by posting up written or printed advertisements, in three of the most public places in such township, informing the citizens thereof of the time and place, at which he will proceed to collect taxes; and also to inform them in such advertisements, the amount assessed on each one hundred dollars, for State, county, and road purposes for such year."

On the question, shall said amendment be adopted? it was decided in the affirmative.

Mr. Berkshire moved to amend by striking out of the fifth section the words "three years," and insert "one year"—the time which the assessments shall continue;

Which amendment was not adopted.

Mr. Clark moved further to amend, by striking out so much of the fifth section as provides for continuing the same valuation for three years;

Which amendment was not adopted.

Mr. Cutter moved to amend the bill by striking it out from the enacting clause and inserting the following:

"That hereafter the qualified electors in each county in this State are required, at their annual township elections, on the first Monday of April in every year, in addition to their other township officers, to elect one assessor and one collector in and for each and every township, in the same manner as is prescribed by the second section of the act entitled "an act for the more uniform mode of doing township business in the several counties therein named," approved February 17th, 1838.

Sec. 2. The assessors so elected, within ten days after their election, shall enter into bond to be approved of by the county clerk in his office, in the penalty of two hundred dollars conditioned for the faithful performance of their respective duties as assessors, and also take an oath or affirmation; to be administered by said clerk, well, truly and faithfully to discharge the duties required of them by law.

Sec. 3. If any assessor, so elected under the provisions of this act,

shall refuse or neglect to serve as such, he shall forfeit and pay to the proper county the sum of fifty dollars, to be recovered by an action of debt, to be prosecuted by and in the name of the county treasurer and the county clerk; upon the failure of any assessor so elected to attend to his office and qualify as hereinbefore directed, appoint some suitable and trust worthy person residing within the proper township, and issue a summons directed to the person so appointed to be served by the Sheriff without delay, commanding the person so appointed forthwith to appear at his office, there to be qualified in the place of the person so refusing in the same manner as above prescribed in the second section of this act; and should any assessor die or become unable to complete the assessment of his township, upon information to the clerk aforesaid a like summons shall be by him issued, and the appointment and qualification thereupon made, and such last mentioned assessor shall demand and receive the assessment roll of his predecessor of the person in whose possession it may be, and proceed to complete the assessment of taxable property and polls according to the provisions of this act; and if the roll of his predecessor cannot be found or obtained, the clerk on application shall make out a new one and deliver the same to said last mentioned assessor.

Sec. 4. Immediately after election or appointment, each assessor shall commence listing the persons and assessing the property subject to taxation within his township, and shall complete a full assessment roll of persons, lands, town lots, chattels and all other things which are made taxable by the laws now in force within this State, or which will become taxable by the first Monday in April next, and the clerk of each county shall prepare blank rolls for assessment under this act and deliver one to each assessor within his county at the time of his qualifying, and whensoever the Auditor of public accounts shall deem it requisite and necessary, he shall transmit to each of the county clerks within this State instructions relative to the forms of said assessment rolls.

Sec. 5. On the last Monday in April, the assessors shall attend at the clerk's office of the proper county, and with the assistance of said clerk, shall publicly, in order that all persons interested may have corrections made, compare their several rolls with the rolls of the preceding year, and correct all double or imperfect listing or errors in description, valuation, quantity of lands or lots, and shall also compare said assessment rolls with the description, catalogue and map made out by the Auditor of public accounts, and if it shall appear that there are omissions or lands taxable not entered by the assessor on his roll, the clerk and assessor shall correct the same; and if the entry of any tract or lot of land cannot be rendered certain in its description by the before mentioned examination, such entry shall be rejected from the roll, and the assessor shall within five days thereafter, return to the clerk a correct description of such land or lot, and the clerk shall thereby amend the defective entry in said roll, and if the assessors or any of them shall fail to attend at the time and place required, the

roll when returned shall be compared, corrected, and completed as herein above required; and for such failure the assessor shall be liable under this act for a violation of his duty.

Sec. 6. After the clerk and assessors shall have corrected the assessment rolls as aforesaid, the same shall be laid before the board doing county business, and if they are found to contain all the taxable lands and lots in said county and are otherwise correct, the said board shall accept them in writing on the back thereof signed by their president, and the clerk shall file the same in his office, where they shall remain unalterable as a matter of record, and shall constitute and be a guide to future assessors so far as the same may remain correct; but the assessment rolls every way be corrected in the manner in the preceding section of this act, before such roll or rolls shall be accepted and filed as aforesaid.

Sec. 7. In all transfers of real estate made after the taking effect of this act, it shall be the duty of the purchaser at the time he gets his deed recorded to have his name recorded on the assessment roll by the clerk in the place of the grantor and the assessors, elected, or appointed by the authority of this act shall leave a sufficient blank space on each page of their respective rolls for subsequent entries of the kind.

Sec. 8. Whenever any assessor shall discover during the time he is making his assessment that there are tracts of land, town lots, polls, chattels or any other thing subject to taxation in his township which were omitted by the assessor in one or more years preceding, he shall enter the same upon his roll, noting distinctly the year or years in which such omission was made in the same manner as the assessment for the current year, but no such assessment shall be made for a longer period than three years back, and such assessment shall have the like force and effect as assessments made at the proper time and the tax due thereon charged and collected with the revenue of the year in which such assessment is made; and land and town lots shall be subject to the tax omitted to be assessed as aforesaid in whose hands soever they may come.

Sec. 9th. For the purpose of aiding future assessors in making assessments under this act, the first assessor shall make out and retain in his possession a duplicate of his assessment roll, and shall make the necessary corrections thereof, from time to time, so that it correspond with the assessment roll returned by him to the office of the clerk, and when he is succeeded in his office, he shall deliver the same with all other documents in his possession relating to said office to his successor.

Sec. 10. The boards doing county business shall allow to said assessors in their respective townships, such compensation as to them shall seem just and reasonable, provided the sum so allowed shall in no case exceed two dollars per diem, to be paid out of the county treasury of the proper county on the order of said board, as other moneys are paid, and at the time the collectors make return of the amount of taxes collected by them of unassessed persons or property as hereinafter provided, the said board shall make an order deducting such sum as to them shall seem most reasonable for failing to assess such persons and property from the allowance made to such assessor

for his services, and if such assessor shall have received his pay for assessing he and his securities shall be liable on their bond for the amount of such deduction.

Sec. 11. The board doing county business, for the purpose of enabling the county clerk to calculate and carry out the amount of tax on all property and polls returned by the assessors, shall during their session, next preceding the election of said assessors and collectors, determine the amount of tax to be assessed for county purposes, and enter such determination of record; which shall govern the said clerk in making out said calculations.

Sec. 12. Immediately after the return, perfection, acceptance and filing of the assessment rolls, as herein before directed, the clerk shall calculate and carry out the amount of taxes, distinguishing in separate columns, between those for state, and those for county purposes, opposite to the names of persons or lots, or lands, or other property or chattles subject to taxation, and charged with a tax, and all other things required by the provisions of the act entitled "an act for pointing out the mode of levying taxes and fixing the per centum for State purposes," approved February the 15th, 1839, and forward the same to the Secretary of State, in the manner and for the purposes prescribed by said act with the same proviso therein contained.

Sec. 13. And the said clerks, within the same time, shall make out a certified statement of the amount of county revenue charged on said rolls; which he shall deliver to the county treasurer of the proper county; and within the same time, shall also make out a complete duplicate, or transcript of said assessment rolls aforesaid, and deliver the same together with a precept in the name of the State of Indiana, tested by the clerk, under the seal of the Circuit Court, and directed to the collector of each and every township within the proper county, commanding him to collect the taxes charged in said duplicate or transcript by demanding payment of the persons charged therein, by distress and sale of their goods and chattels severally, or by sale of the tracts of land and lots mentioned in said transcript according to the exigency; and that he pay over the moneys as collected by him by virtue of said precept as directed by law, and return said precept together with said transcript of the roll aforesaid, with an account of his acts thereon, to the said clerk on or before the second Monday in December next ensuing the date thereof.

Sec. 14. The said collectors shall be elected or appointed, (as the case may be,) and qualified in the same manner except in the penalty of their bonds, which shall be for double the amount of taxes charged in their respective assessment rolls; a copy of which bonds the said clerk shall, within twenty days after they are filed and approved of by the said clerk, transmit to the Auditor of Public Accounts who shall file the same of record in his office, and transcripts thereof shall at all times be, and in all cases be sufficient evidence of the execution of the same by the obligors therein mentioned; such transcripts being certified as true by said Auditor, and his certificate authenticated by the State Seal.

Sec. 15. It shall be the duty of the collector of each respective township of the several counties of this State to pay the treasurer of the proper county the amount of taxes assessed on their respective townships for the purpose of raising a state and county revenue, on or before the first Monday in December in each year; and the said treasurers are hereby required to receive the same, and pay that part which has been assessed and collected for state purposes to the state treasurer, on or before the second Monday in December; and the county treasurer of each respective county, in this state are hereby required to execute a bond annually, with security to be approved of by the board doing county business for the proper county, in double the amount of the state taxes of their respective counties, conditioned for the faithful performance of the additional duties imposed on them by the provisions of this act; for which said additional duties, the board doing county business, shall allow them such compensation as they may deem fair and equitable, to be added to the county tax, and paid out of the treasury of the proper county.

Sec. 16. In all other things not mentioned in this act and necessary to be done by any or all of the officers herein named, they are hereby required to be governed and directed by the law now in force within this State, touching, or relative to the revenue thereof, so far as the same may be consistent with the provisions of this act.

Sec. 17. All laws and parts of laws conflicting with the provisions of this act are hereby repealed: provided that no right vested, act done, obligation, or liability incurred under any act repealed by this act shall be in anywise affected or impaired by the repeal thereof.

Sec. 18. That one thousand copies of this act be printed in pamphlet form for the use and benefit of the several counties in this state, to be distributed among said counties according to the number of their representatives, on or before the third Monday in March next, and that the Secretary of State be and he is hereby authorized and required to attend to the provisions of this section and transmit such by mail to the clerks of the several counties, paying the postage charged to his official postage account, and paid accordingly.

Mr. Zenor moved that said bill and proposed amendment be laid upon the table;

Which motion was decided in the affirmative.

Mr. Henley moved that the minority of the bank committee be permitted to select such portions of the testimony which have not heretofore been printed, as they may think proper, in order to have it placed upon the Journal of the House, to accompany that which has already been printed;

Which motion was decided in the affirmative.

Mr. Robinson of J. introduced

No. 337, a bill to abolish the June term of the Jefferson Circuit Court;

Which was read three several times, the rule being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Foster made the following report:

MR. SPEAKER—

The committee to whom was referred a petition of the citizens of Hancock county for a location of a road in the counties of Hancock and Shelby, have had the same under consideration, and authorized me to report the following bill, to wit:

No. 340, a bill to locate a State road in Hancock county;

Which was read a first and second times, the rule being suspended, and committed to the committee on roads.

A message from the Senate by Mr. Test, their Secretary:.

MR. SPEAKER—

I am instructed by the Senate to inform the House of Representatives that the Senate has passed engrossed bills of the House as follows, viz:

No. 193, an act to authorize the qualified voters of this State to vote for or against a convention for a revision of the constitution of this State; and

No. 298, an act to amend an act entitled "an act attaching certain territory to the counties therein named," approved February 16, 1839;

Each with an amendment in which the concurrence of the House is respectfully requested;

Also the Senate has passed engrossed bills of the House as follows, viz:

No. 64, an act to amend an act entitled "an act for the protection of the Madison and Indianapolis Rail Road Company," approved February 14, 1839;

No. 88, an act to enlarge the powers of the Probate courts of Marion in a certain case therein named;

No. 121, an act to amend an act entitled "an act to incorporate the Indiana Mutual Fire Insurance Company; and

No. 135, an act to authorize the circuit court of the county of Cass to change the venue in a certain case therein named;

Each without amendment.

The amendment of the Senate to bill of the House, No. 193, was concurred in.

The House refused to concur in the amendment of the Senate to bill of the House, No. 298.

Ordered, That the clerk inform the Senate thereof.

A message from the Senate, by Mr. Test, their secretary.

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed bills and a joint resolution thereof as follows, to wit;

No. 48, an act to amend an act "defining the duties of county treasurers, collectors, &c." approved February 18th, 1839;

No. 65, an act to repeal a part of the 50th and 51st sections of an act relating to State roads, approved February 6th, 1837;

No. 84, an act to vacate Georgetown in Hendricks county;

No. 85, a joint resolution for the benefit of Gibson and Dubois counties;

No. 86, an act to amend the act to regulate general elections, approved February 17th, 1838;

No. 147, an act to regulate vending merchandize at auction in this State;

No. 124, an act to license Pedlars to vend merchandize;

In which the concurrence of the House is respectfully requested;

Bills of the Senate, mentioned in the message, Nos. 48, 84, and 86; were severally read a first time and passed to a second reading.

Bills of the Senate, No. 85; was read a first, second and third times and passed, the rule being suspended.

Ordered, That the clerk inform the Senate thereof.

Bill of the Senate No. 147, mentioned in the message, was read a first and second times, the rule being suspended; when

Mr. Edmonson moved to refer the said bill to a select committee;

Which motion was decided in the affirmative.

Messrs. Edmonson, Southard, Butler and Farley were appointed said committee.

Bill of the Senate, mentioned in the message, No. 124, was read a first time; when

Mr. Henley moved that said bill be rejected,

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Arnold, Bennett, Bowles, Clark, Davis, Edmonson, English, Farley, Foster, Frisbie, Garrigus, Haddon, Hamblen, Henley, Herriman, Hull, Lane, Lee, Monroe, Nelson of B., Parker, Perviance, Rippey, Robinson of Rush, Rush, Sands, Shiveley, Stewart, Warriner, Wilson of W., and Mr. Speaker—32.

Those who voted in the negative were:

Messrs. Allison, Atherton, Baker, Beckett, Bell, Berkshire, Buckles, Burke, Butler, Campbell, Carlton of I., Coats, Cogswell, Cooper, Cox, Dunn, Eccles, Finch, Fitch, Flint, Gardner, Hamer, Hunt of J., Hunt R., Jackson, Jamison, Jenckes, Johnson, Lancaster, Lanius, Long,

McCormack, McGaughey, Miller, Milroy, Montgomery, Moore of O., Morgan Nelson of M., O'Neill, Osboru of F., Osborn of U., Perry, Porter, Robinson of J., Robinson of Ripley, Southard, Sweetser, Thompson, Wheeler, White, Wilson of M., Woodard, Worster, and Zenor--55.

So said bill was not rejected.

Mr. Bowles moved that the Door Keeper furnish each member of the Senate with a copy of the report of the committee on the State Bank;

Which motion was decided in the affirmative.

A message from the Senate by Mr. Test their Secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the report of the committee of free conference to take into consideration the disagreement of the two Houses in reference to the bill of the Senate, No. 94, entitled "an act for the relief of Phebe Clymer.

Mr. Morrison made the following report:

MR. SPEAKER—

The joint committee on enrolled bills report that they have compared the engrossed with the enrolled bills of the House of the following titles, viz:

No. 225, an act to authorize certain individuals therein named to build a toll bridge across the Kankakee river, at Sherwood ferry in Porter county;

No. 264, an act to authorize the removal of the obstructions to the free passage of the water down Little Blue River in Rush and Shelby counties;

No. 229, an act to provide for the election of a justice of the peace in Alquina, Fayette county;

No. 227, an act to provide for a more uniform mode of doing township business in the the county of Cass;

No. 218, an act to authorize the election of an additional justice of the peace in the township of Orange, Noble county;

No. 220, an act to make allowances to supervisors for extra services in the county of Boone;

No. 194, an act for the relief of the collector of the county of Orange;

No. 44, an act to incorporate the Point Commerce Manufacturing and Trading Company and for other purposes;

No. 200, an act to provide for the erection of two bridges in the county of Orange, and for other purposes;

And find the same truly enrolled; whereupon,

The Speaker signed the same.

Ordered, That the clerk carry the same to the Senate for the signature of their President.

Mr. Osborn of F., made the following report:

MR. SPEAKER—

The joint committee on enrolled bills report, that they did this day present to his excellency the Governor for his approval and signature, the following entitled acts which originated in the House, to wit:

No. 268. An act to authorize Absolum Fraseur to sell and convey, a part of the public square in the town of New Washington.

„ 304. An act declaring a part of Salt Creek a public highway.

„ 266. An act for the relief of the collector of Lake county.

„ 201. An act for the relocation of the seat of justice in the county of Lake.

„ 171. An act concerning the duties of the School Commissioner of Crawford county.

A message from the Governor by Mr. Moore, his private Secretary:

MR. SPEAKER—

I am directed by the Governor, to inform the House of Representatives, that he did, on Tuesday last, (the 11th inst.) approve, and sign an act entitled

“An act to repeal an act entitled “an act to incorporate the Mayor and Common Council of the town of Lafayette,” approved February 6, 1837.”

And that on this day he has approved and signed acts of the titles following, to wit:

“An act to revive an act entitled “an act to amend an act for the benefit of persons who are likely to suffer by the destruction of the records of Dearborn county, which were consumed in the Court-House in Lawrenceburgh on the sixth of March 1826,” approved January 11, 1827.”

“An act to revive an act to incorporate the Lagrange county Manufacturing Company.

“An act to fix the time of holding Probate Court in Marion county.”

“An act relative to the Probate Court of Bartholomew county.”

“An act to re-locate the seat of justice in the county of Lagrange.”

“An act to vacate the town of Economy, in Gibson county.”

“An act regulating the jurisdiction of justices of the peace in Grant county.”

“An act legalizing the acts and proceedings of the trustees of school

district township No. six, north of range No. nine west, in Sullivan county, in relation to the town of Edwardsport."

"An act to regulate the jurisdiction of justices of the peace in Green county."

"An act to amend an act entitled "an act organizing the Supreme Court, and defining its powers and duties," approved February 17th, 1838."

"An act to provide for the election of a justice of the peace and constable in the town of White-Hall, in Owen county."

"An act to authorize the holding of an additional term of the Circuit Court for the county of Washington."

"An act to provide for the election of a justice of the peace, in the town of Owensville in Gibson county."

"An act to repeal an act entitled "an act providing for the clearing out of Pride's Creek, in Pike county," approved January 21st, 1839."

"An act to declare the meaning of the 29th section of an act entitled "an act to regulate the mode of doing county business, in the several counties in this state," approved February 17th, 1838."

"An act to incorporate the Lagrange Collegiate Institute."

"An act to relocate the county seat of Scott county."

"An act to provide for the election of a justice of the peace in the town of Jacksonville in the county of Fountain."

"An act for the relief of the heirs and administrators of John Tipton, deceased."

"An act supplemental to an act providing for the election of three school commissioners in township No. 14, north of range No. seven west, in Park county, approved December 1839."

"An act to change the name of Mary Burrough."

"An act to amend an act entitled "an act dividing the state into judicial circuits, and fixing the times of holding court therein, and for other purposes."

"An act to authorize John T. Wheeler, a minor, to sell certain real estate therein named."

"An act to legalize the acts of the Probate Court of De Kalb county."

"An act to repeal a part of an act entitled "an act concerning Knox county."

"An act to amend an act entitled "an act to incorporate the Richmond and Boston Turnpike Company."

"An act concerning the duties of the School Commissioner of Crawford county."

"An act to authorize Absolom Frasier to sell and convey a part of the public square in the town of New Washington."

"An act declaring a part of Salt Creek a public highway."

"An act for the relief of the collector of Lake county."

"An act for the re-location of the seat of justice in the county of Lake."

And also, a joint resolution entitled "a joint resolution, in relation to contractors;"

All of which originated in the House of Representatives.

On motion,

The House adjourned until to-morrow morning at nine o'clock.

FRIDAY MORNING, FEBRUARY, 14, 1840.

The House met pursuant to adjournment.

Mr. Sweetser, on leave granted, reported back from the committee on corporations, the proceedings of the mayor and common council of the city of New Albany, with a request that it be laid upon the table.

Said proceedings were accordingly laid upon the table.

Mr. Sweetser, also, on leave, reported back to the House, the report of the Leavenworth Saving's Institution; which,

On motion of Mr. Sweetser, was laid upon the table.

Mr. Osborn of F. made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of William Butler, and others, in relation to a certain proposed town therein, and have had the subject matter of said petition under consideration, and have directed me to report that it is inexpedient to Legislate thereon at this time, and ask to be discharged from the further consideration of the same.

The report was concurred, in and the committee discharged accordingly.

Mr. Milroy made the following report:

MR. SPEAKER—

The select committee to whom was referred a petition of sundry citizens of Carroll county, praying for an act, to authorize an additional justice of the peace to be elected in Tippecanoe township, to reside in Pittsburgh in said county, have had the same under consideration, and directed me to report the following bill, to wit:

No. 341, a bill to provide for the election of one additional justice of the peace, in the town of Pittsburgh, in Carroll county;

Which was read three several times, and passed, the rule being suspended.

Ordered, That the clerk inform the Senate thereof,

Mr. Osborn of F. presented the petition of Josiah Gentry, praying that he may be divorced from his wife Elizabeth, accompanied by a bill, to wit:

No. 342, a bill dissolving the bonds of matrimony between Josiah Gentry, and Elizabeth Gentry;

Which was read a first and second times; when

Mr. Farley moved that the bill be committed to the judiciary committee;

Which motion was decided in the negative.

The bill was ordered to be engrossed for a third reading.

Mr. O'Neal, on leave granted, introduced

No. 343, a bill to incorporate the Crawfordsville Female Institute;

Which was read a first and second times, the rule being suspended, and

On motion,

Committed to the committee on corporations.

Mr. Milroy, on leave granted, made the following report:

Mr. SPEAKER—

The committee on canals and internal improvements, to whom was referred, a bill of the House, No. 52, entitled a bill for the further improvement, and final completion of the Michigan road, have, according to order, had the same under consideration, and directed me to report the same back to the House with an amendment, to wit: strike it out from the enacting clause, and insert a substitute.

Mr. McCormack moved that the bill and amendment be laid upon the table,

And the ayes and noes being requested thereon by Messrs. Robinson of Ripley and Dunn,

Those who voted in the affirmative were:

Messrs. Albertson, Arnold, Atherton, Baker, Bell, Berkshire, Bowles, Buckles, Campbell, Carlton of L., Clark, Cooper, Davis, Eccles, Edmonson, Farley, Finch, Frisbie, Garrigus, Haddon, Hamblen, Henley, Herriman, Hunt of R., Lanius, Lee, Long, McCormack, McGaughey, Miller, Monroe, Moore of O., Moore of V., Morgan, Morrison, Nelson of M., O'Neill, Osborn of C., Osborn of F., Osborn of U., Perivance, Robinson of Rush, Sands, Shiveley, Southard, Stewart, White, Worster, and Zenor—50.

Those who voted in the negative were :

Messrs. Beckett, Bennett, Burke, Coats, Cogswell, Cox, Cutter, Dunn, Everts, Fitch, Foster, Hull, Jackson, Jenckes, Johnson, Judah, Lancaster, Milroy, Montgomery, Nelson of B., Parker, Perry, Porter, Rippey, Robinson of J., Robinson of R. Rush, Spann, Sweetser, Thompson, Warriner, Wheeler, Wilson of M, Woodard, and Mr. Speaker—36.

So said bill and amendment, were laid upon the table.

The Speaker laid before the House, a letter from Mr. Cutter, enclosing a communication from S. Day, engineer, on the subject of the present situation of the Cross-Cut canal;

Which was referred to the committee on canals, and internal improvements.

Mr. Hull made the following report;

MR. SPEAKER—

The select committee to whom was referred a bill, No. 154, fixing the rate of toll, for grading &c. have had the same under consideration, and directed me to report it back to the House, and recommend its indefinite postponement.

The report was concurred in, and the bill indefinitely postponed.

Mr. Bowles moved to dispense with the rules, and take under consideration, bill of the House No. 334, to dissolve the board of internal improvement, the board of fund commissioners, and the engineer department.

On motion of Mr. Bowles,

The committee of the whole was discharged from the further consideration of said bill.

Mr. Cutter moved to amend the bill, by striking out so much thereof as relates to engineers; when

Mr. Bowles moved to amend that portion of the bill, by striking out the words "Chief Engineer," and inserting the words "two engineers," to hold their offices, &c.

Mr. Long moved to recommit the bill to the committee on canals and internal improvements, "with instructions to so amend, as to retain only two commissioners and chief engineer, with a suitable number of assistants or superintendants, and allow them only pay for the time their services may be required, making the chief engineer a member of the board, during the transaction of business,"

And the ayes and noes being requested thereon,

Those who voted in the affirmative were :

Messrs. Arnold, Atherton, Baker, Beckett, Bennett, Berkshire,

Buckles, Burke, Butler, Campbell, Cogswell, Cooper, Coz, Cutter Finch, Flint, Foster, Hamblen, Hunt of J., Hunt of R., Jackson Jenckes, Judah, Lancaster, Lee, Long, McCormack, O'Neill, Osborn of F., Parker, Robinson of J., Rush, Shiveley, Spann, Thompson, Wheeler, Wilson of M., and Woodard—37.

Those who voted in the negative were:

Messrs. Albertson, Bell, Bowles, Carlton of L., Clark, Coats, Davis, Dunn, Eccles, Edmonson, English, Farley, Fitch, Fisher, Garrigus, Gardner, Haddon, Hamer, Herriman, Hull, Johnson, Jones, Lane, Lanius, Miller, Milroy, Monroe, Montgomery, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of C., Osborn of U., Perry, Rippey, Robinson of Ripley, Robinson of Rush, Sands Southard, Stewart, Sweetser, Warriner, White, Worster, Zenor, and Mr. Speaker—49.

So the bill was not re-committed.

Mr. Cutter moved that the bill, and proposed amendments be laid upon the table;

Which motion did not prevail.

The further consideration of the bill was, now, on motion, passed over for the time being, by consent.

Mr. Miller, on leave, introduced No. 344, a bill relative to collectors of the revenue;

Which was read three several times, and passed, the rule being suspended.

Ordered, That the clerk inform the Senate thereof.

Mr. Cutter moved to suspend the rules, and take from the table the bill to allow the people to elect their own assessors and collectors;

Which motion did not prevail.

Mr. Sweetser moved to suspend the rule, and take from the table the joint resolution on the subject of appointing an agent to examine the bank;

Which motion was decided in the negative.

The House now proceeded to the consideration of bills on their third reading.

No. 319, a bill for the relief of Adolphus Huggins of Ripley county, was read a third time; when

On motion,

The House adjourned until two o'clock, P. M.

Two o'clock P. M.

The House met pursuant to adjournment; and resumed the consideration of the bill pending when the House adjourned.

Mr. Lane moved that said bill be laid upon the table,
And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Baker, Buckles, Carlton of L., Cogswell, Eccles, Edmonson, English, Foster, Frisbie, Garrigus, Gardner, Henley, Lane, Lanius, Lee, M'Cormack, Milroy, Nelson of M., Perry, Stewart, Warriner, Wheeler, and White—23.

Those who voted in the negative were:

Messrs. Albertson, Allison, Arnold, Atherton, Beckett, Bell, Bennett, Berkshire, Bowles, Burke, Butler, Coats, Cooper, Cox, Cutter, Davis, Dunn, Finch, Fitch, Flint, Haddon, Hamer, Hamblen, Herriman, Hull, Hunt of J., Hunt of R., Jackson, Jenckes, Jones, Lancaster, Long, Miller, Montgomery, Moore of V., Morgan, Morrison, O'Neill, Osborn of C., Osborn of F., Osborn of U., Parker, Perviance, Porter, Rippey, Robinson of J., Robinson of Ripley, Rush, Sands, Southard, Spann, Sweetser, Thompson, Woodard, Worster, and Mr. Speaker—54.

So said bill was not laid upon the table.

The bill was then amended, on motion of Mr. Lane, by general consent, read a third time, and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Cutter moved to suspend the rule, and take up the joint resolution appointing an agent to investigate the affairs of the State Bank;

Which motion was decided in the negative.

The House again resumed the consideration of bill of the House, No. 324, to dissolve the present board of internal improvement, the board of fund commissioners, and engineer department; when

Mr. Bowles withdrew his amendment.

The question then recurred on Mr. Cutter's amendment, striking out so much of the bill as relates to the engineer department;

And the ayes and noes being requested thereon, by Messrs. Cutter and Butler,

Those who voted in the affirmative were:

Messrs. Atherton, Baker, Bell, Burke, Butler, Cutter, Flint, Hunt of R., Jackson, Jenckes, Judah, Lancaster, M'Cormack, M'Gaughey, O'Neill, Parker, Robinson of J., Rush, Sweetser, Thompson, and Woodard—21.

Those who voted in the negative were:

Messrs. Albertson, Arnold, Beckett, Bennett, Berkshire, Bowles, Buckles, Campbell, Carlton of L., Clark, Coats, Cogswell, Cooper,

Cox, Davis, Dunn, Eccles, Edmonson, English, Farley, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamer, Hamblen, Henley, Herri-man, Hunt of J., Jones, Lane, Lanius, Lee, Long, Miller, Milroy, Moore of V., Morgan, Morrison, Nelson of B., Nelson of M., Osborn of C., Osborn of F., Osborn of U., Perry, Perviance, Porter, Rippey, Robinson of Ripley, Robinson of Rush, Sands, Shively, Southard, Spann, Stewart, Warriner, Wheeler, White, Wilson of M., Worster, Zenor, and Mr. Speaker—62.

Mr. Bowles moved to amend the bill by striking out the third section and inserting the following:

Sec. 3d. There shall be elected by joint ballot of both Houses of the General Assembly, one commissioner and two engineers, one of whom shall be the acting commissioner on the Wabash and Erie canal, who shall hold their offices for the term of two years, and each give bonds to the acceptance of the Governor in the sum of one hundred thousand dollars for the faithful discharge of the duties required of them by law, and shall also take an oath of office.

Mr. Stewart moved to amend the amendment by striking out the words "two engineers" and inserting "one engineer;" which amendment was not adopted.

The question then recurring on Mr. Bowles' amendment, it was decided in the affirmative.

Mr. Bowles moved to amend the fourth section, by striking out the word "Engineers," and insert "Commissioners and Engineers;"

Which amendment was adopted.

Mr. Jones moved to amend the fourth section, by adding at the end thereof the following:

"That the said commissioner and engineer shall be subject to removal by joint resolution."

Which amendment was adopted.

Mr. Bowles moved to amend the bill by striking out the fifth and sixth sections;

Which amendment was adopted.

Mr. Bowles moved to amend the 8th section, after the word "Commissioner," by inserting the words "who with the Treasurer of State;"

Which amendment was adopted.

Mr. Thompson moved to amend the bill by striking it out from the enacting clause and inserting the following:

1. It shall be the duty of the board of internal improvement to discharge all the engineers in the employ of the State whose services are not absolutely required for keeping in repair, and preventing from dilapidation such parts of the public works as are finished, and for the further prosecution of the Wabash and Erie canal.

2. It shall be the duty of each member of the board of internal improvement to keep an accurate account of the No. of days that they may each be employed in service of the State, and they shall each be entitled to receive the sum of three dollars per day for each days' services necessarily performed and no more."

On the question, shall said amendment be adopted?
The ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Atherton, Bell, Berkshire, Burke, Butler, Cogswell, Cooper, Cox, Finch, Flint, Hamer, Hunt of R., Jackson, Jenckes, Lancaster, M'Gaughey, O'Neill, Parker, Thompson, and Woodard—20.

Those who voted in the negative were:

Messrs. Albertson, Arnold, Beckett, Bennet, Bowles, Buckles, Campbell, Carlton of L., Clark, Davis, Dunn, Eccles, Edmonson, English, Farley, Fitch, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamblen, Henley, Herriman, Hull, Hunt of J., Johnson, Jones, Lane, Lanius, Lee, Long, M'Cormack, Miller, Milroy, Mouroe, Montgomery, Moore of O., Moore of V., Morgan, Morrison, Nelson of B., Nelson of M., Osborn of C., Osborn of F., Osborn of U., Perry, Porter, Rippey, Robinson of Ripley, Robinson of Rush, Rush, Sands, Shiveley, Southard, Spann, Stewart, Warriner, Wheeler, White, Worster Zenor, and Mr. Speaker—62.

So said amendment was not adopted.

Mr. Bowles moved further to amend, by adding the following as an additional section:

Sec. That the Treasurer of State shall sign all checks, bonds, bills and other evidences of debt, and keep a regular account of the same, and report to the legislature on or before the 5th day of the session in each year.

On the question, shall said amendment be adopted? it was decided in the affirmative.

Mr. Edmonston moved further to amend the bill by inserting the following:

"That the Commissioner and Engineers shall each receive one thousand dollars per annum for their services; and the Fund Commissioner shall receive fifteen hundred dollars per annum for his services."

Mr. Butler moved to strike out of said amendment the words "fifteen hundred dollars and insert "two thousand dollars;"

Which amendment was not adopted.

Mr. Fitch moved to amend the amendment, in relation the Fund Commissioner, by inserting the following: "and incidental expenses while in discharge of his duties out of the State;"

Which amendment to the amendment was not adopted.

Mr. Bowles moved to amend the amendment by fixing the salaries of the Commissioner and Engineers at twelve hundred and fifty dollars; and the salary of the fund commissioner at two thousand dollars;

Which was not adopted.

Mr. Milroy moved to amend the amendment by striking it out from the word "that" and inserting the following:

"The Fund Commissioner aforesaid shall receive, while employed, at the rate of fifteen hundred dollars per annum, and incidental expenses while out of the State; and the Commissioner and Engineers shall, in like manner, receive twelve hundred dollars per annum;"

Which was not adopted.

Mr. Cutter moved to amend the amendment as follows:

"The said Commissioner and Engineers shall receive their pay in treasury notes;"

Which was not adopted.

Mr. Gardner moved that the bill and pending amendment be re-committed to a select committee;

Which motion was decided in the affirmative.

Messrs. Gardner, Edmonston and Lane were appointed said committee.

Mr. Stewart moved the following instructions to the committee, to wit:

"Strike out "two Engineers" and insert "one Engineer;"

Which motion did not prevail.

Mr. Moore of O., moved that said committee so amend the bill that the Fund Commissioner shall receive three dollars per diem for his services—and not to exceed one dollar and fifty cents per diem for contingent expenses, while in actual service out of the State.

Mr. Montgomery moved to amend the instructions by striking out so much thereof as limits the amount of contingent expenses;

Which was not adopted.

Mr. Hull moved to amend the instructions as follows:

"As a compensation for the services of the Fund Commissioner, whilst he may serve as such out of the State, he shall be allowed the sum of three dollars per diem, with contingent expenses, and two dollars per diem whilst in actual service in the State and no more. The Commissioner and each of the Engineers shall have the sum of twelve hundred dollars per annum."

Mr. Osborn of F. made the following report:

MR. SPEAKER—

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bills which originated in the Senate of the following titles, to wit:

No. 141, an act to change the name of Jacob Henry Humburgh;

No. 142, an act to change the route of the New Albany and Princeton State road within the limits of Leavenworth, Crawford county, &c. &c.

No. 94, an act for the relief of Phebe Clymer;

No. 140, an act to authorize the election of a justice of the peace

and constable in the town of New Trenton in the county of Franklin;

Also bills which originated in the House, to wit:

No. 294, an act to provide for the summoning and empanneling jurors in the county of Delaware;

No. 199, an act to provide for the reappraisal of school sections in Lake and Owen counties;

No. 306, an act to change the time of holding courts in the several counties of the eleventh judicial circuit;

No. 192, an act declaring main Flat Rock and big Blue River public highways in the counties of Henry and Shelby;

No. 118, an act to incorporate the Anderson bridge company;

No. 292, an act to amend an act entitled "an act to incorporate the mayor and common council of the town of Delphi,

No. 257, an act to amend an act entitled "an act to regulate the mode of doing county business in the several counties in this State," approved February 17th, 1838;

No. 210, an act changing the time of holding commissioners courts in the county of Floyd;

No. 256, an act declaring a misprint and for other purposes;

No. 164, an act relative to the purchase of a fire engine in the town of Jeffersonville;

No. 308, an act for the relief of Peter Hussey;

No. 143, a joint resolution relative to the two White rivers in Indiana;

Whereupon, the Speaker signed the same.

Ordered, That the Clerk carry the same to the Senate for the signature of their President.

On motion,

The House adjourned until to-morrow morning at nine o'clock.

SATURDAY MORNING, FEBRUARY 15, 1840.

House met pursuant to adjournment.

Mr. Gardner, on leave granted, made the following report:

MR. SPEAKER—

The select committee to whom was referred, No. 324, a bill to dissolve the present board of Fund Commissioners, and the Engineer Department, have had the same under their consideration, and directed me to report the following, as an amendment to said bill.

Mr. Robinson of J., moved to amend the amendment, by striking out so much thereof as relates to the Treasurer of State,

Which amendment was not adopted.

Mr. Moore of O., moved to amend the amendment as follows:

"Strike out fifteen hundred dollars, and insert three dollars per day, while in actual service for the State, and reasonable expenses, while out of the State, not to exceed one dollar and fifty cents per day, and the said Fund Commissioner shall be sworn to the number of days he is actually employed in the service of the State."

On the question, shall said amendment to the amendment be adopted,

The ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Baker, Burk, Campbell, Cooper, Davis, Dunn, Eccles, Hammer, Herriman, Hunt of R., Jackson, Lanius, Long, Moore of O., Nelson of M., Osborn of C., Osborn of U., Perviance, Porter, Rippey, Thompson, and Wilson of M.—22.

Those who voted in the negative were:

Messrs. Albertson, Allison, Arnold, Atherton, Beckett, Bell, Bennett, Berkshire, Bowles, Buckles, Butler, Carlton of I., Clark, Coats, Cogswell, Cox, Cutter, Edmonson, English, Farley, Finch, Fitch, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamblen, Henley, Hull, Hunt of J., Jenckes, Johnson, Jones, Judah, Lane, Lancaster, Lee, McCormack, Miller, Milroy, Monroe, Montgomery, Moore of V., Morgan, Morrison, Nelson of B., O'Neill, Osborn of F., Parker, Perry, Robinson of J., Robinson of Ripley, Robinson of Rush, Rush, Sands, Shiveley, Southard, Spann, Stewart, Sweetser, Warriner, White, Wilson of W., Woodard, Worster, Zenor, and Mr. Speaker—68.

So said amendment was not adopted.

Mr. Morrison moved to amend, so that fifteen hundred dollars shall be in *full compensation* to the Fund Commissioner;

Which amendment was consented to by the House.

Mr. Milroy moved to amend the amendment as follows:

"Amend, so as to give the Fund Commissioners at the rate of fifteen hundred dollars per annum, while employed in the service of the State, with contingencies, as provided in the bill."

On the question, shall said amendment to the amendment be adopted? it was decided in the negative.

Mr. Cutter moved to amend the amendment as follows:

"Amend by making the bill provide, that the Commissioners and Engineers shall receive their pay in Treasury notes, until the amount of our bonds, already sold, shall be received in money."

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Allison, Atherton, Bennett, Berkshire, Burk, Butler, Campbell, Coats, Cox, Cutter, Dunn, English, Frisbie, Hamer, Henley, Herriman, Jackson, Jones, Judah, Lanius, Long, McGaughey, Montgomery, Moore of O., Morgan, Osborn of C., Osborn of F., Parker, Perviance, Robinson of J., Robinson of Ripley, Robinson of Rush, Rush, Sands, Southard, Spann, Thompson, Warriner, Wheeler, Wilson of M., Woodard, Worster, Zenor, and Mr. Speaker—46.

Those who voted in the affirmative were:

Messrs. Arnold, Beckett, Bell, Bowles, Buckles, Carlton of L., Clark Cogswell, Cooper, Davis, Eccles, Edmonson, Farley, Finch, Fitch, Foster, Garrigus, Gardner, Haddon, Hamblen, Hull, Hunt of J., Hunt of R., Jenckes, Johnson, Lane, Lee, McCormack, Miller, Milroy, Monree, Moore of V., Morrison, Nelson of B., Nelson of M., O'Neill, Osborn of U., Perry, Porter, Rippey, Shiveley, Stewart, Sweetser, White, and Wilson of M.—45.

So said amendment to the amendment was adopted.

Mr. Berkshire moved to amend the amendment as follows, to wit:

“Strike out all that pertains to the Treasurer of State, in the sixth section, and insert in its proper place the following: “that the Fund Commissioner shall not dispose of any bond, bill, or other evidence of debt of the State, until the same shall be first signed by the Treasurer of State, and it is hereby made the duty of the said Treasurer, to sign all such bonds, bills, &c. as may be necessary, and keep a register of the same, and all bonds, bills, &c., thus signed and delivered to the Fund Commissioner and not disposed of in any one year, shall be by him returned to the Treasurer, and there cancelled.”

On the question, shall said amendment be adopted?

The ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Allison, Arnold, Atherton, Baker, Beckett, Bell, Berkshire, Butler, Campbell, Carlton of L., Cogswell, Cooper, Cox, Cutter, Dunn, Farley, Finch, Flint, Hamer, Herriman, Hunt of J., Jackson, Jenckes, Jones, Judah, Long, Miller, Montgomery, Moore of O., Morgan, O'Neill, Osborn of C., Osborn of F., Parker, Rippey, Robinson of J., Robinson of Ripley, Rush, Sands, Shiveley, Spann, Thompson, Wheeler, Wilson of M., and Woodard—46.

Those who voted in the negative were:

Messrs. Albertson, Bennett, Bowles, Burk, Coats, Davis, Edmonson, Everts, Fitch, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamblen,

Henley, Hunt of R., Johnson, Lane, Lanius, Lee, McCormack, Milroy, Monroe, Moore of V. Morrison, Nelson of B., Nelson of M., Osborn of U. Perry, Porter, Southard, Stewart, Sweetser, White, Wilson of W., Worster, Zenor, and Mr. Speaker—40.

So said amendment to the amendment was adopted.

Mr. Gardner moved that the bill and amendments be laid upon the table;

And the ayes and noes be requested thereon.

Those who voted in the affirmative were:

Messrs. Allison, Bell, Butler, Clark, Edmonson, Flint, Garrigus, Gardner, Johnson, Lane, O'Neill, Parker, Robinson of J., and Thompson—14.

Those who voted in the negative were:

Messrs. Albertson, Arnold, Atherton, Baker, Bennett, Beckett, Berkshire, Bowles, Burk, Buckles, Campbell, Carlton of L., Coats, Cogswell, Cooper, Cox, Cutter, Davis, Dunn, Eccles, English, Farley, Finch, Fitch, Foster, Frisbie, Haddon, Hamer, Hamblen, Henley, Herriman, Hull, Hunt of J., Hunt of R., Jackson, Johnson, Jones, Judah, Lane, Lancaster, Lanius, Long, Miller, Milroy, Monroe, Montgomery, Moore of O., Moore of V., Morgan, Morrison, Nelson of B. Nelson of M., Osborn of C., Osborn of F., Osborn of U., Perry, Perviance, Porter, Rippey, Robinson of Ripley, Robinson of Rush, Rush, Sands, Shiveley, Southard, Spann, Stewart, Sweetser, Warriner, Wheeler, White, Wilson of M., Wilson of W., Woodard, Worster, Zenor, and Mr. Speaker—77.

So said bill was not laid upon the table.

Mr. Herriman moved to reconsider the vote on Mr. Cutter's amendment, for the paying the officers contemplated in the bill, in Treasury notes,

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Arnold, Beckett, Bell, Bowles, Buckles, Carlton of L., Clark, Cogswell, Cooper, Davis, Eccles, Edmonson, Farley, Fitch, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamblen, Herriman, Hull, Johnson, Lane, Lanius, Lee, Miller, Milroy, Monroe, Montgomery, Moore of V., Morrison, Nelson of B., Nelson of M., O'Neill, Osborn of U., Perry, Porter, Rippey, Robinson of Rush, Sands, Shiveley, Spann, Stewart, White, Wilson of M., Worster, Zenor, and Mr. Speaker.—50.

Those who voted in the negative were:

Messrs. Allison, Atherton, Baker, Bennett, Berkshire, Burke, But-

ter, Campbell, Coats, Cox, Cutter, Dunn, English, Finch, Flint, Hamer, Hunt of J., Hunt of R., Jackson, Jenckes, Jones, Judah, Lancaster, Long, McCormack, McGaughey, Moore of O., Morgan, Osborn of C., Osborn of F., Parker, Perviance, Robinson of J., Robinson of Ripley, Rush, Southard, Thompson, Wilson of M., and Woodard—39.

So said vote was reconsidered.

The question again recurring on the adoption of said amendment,
And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Allison, Atherton, Baker, Bennett, Berkshire, Burke, Butler, Campbell, Coats, Cox, Cutter, Dunn, English, Flint, Hamer, Jackson, Jones, Judah, Lancaster, Long, McGaughey, Milroy, Moore of O., Morgan, Osborn of C., Osborn of F., Parker, Perviance, Robinson of J., Robinson of Ripley, Rush, Southard, Thompson, Wilson of M., and Woodard—35.

Those who voted in the negative were:

Messrs. Albertson, Arnold, Beckett, Bell, Bowles, Buckles, Carlton of L., Clark, Cogswell, Cooper, Davis, Eccles, Edmonson, Farley, Finch, Fitch, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamblen, Herriman, Hull, Hunt of J., Hunt of R., Jenckes, Johnson, Lane, Lee, McCormack, Miller, Monroe, Montgomery, Moore of V., Morrison, Nelson of B., Nelson of M., O'Neill, Osborn of U., Perry, Porter, Rippey, Robinson of Rush, Sands, Shiveley, Stewart, White, Wilson of W., Worster, Zenor, and Mr. Speaker—52.

So said amendment was not adopted.

The question being taken on concurring in the amendment made by the select committee, it was decided in the affirmative.

The bill was then ordered to be engrossed for a third reading.

Mr. Lane moved that the rule be suspended, and that the bill be read a third time now;

Which motion was decided in the affirmative.

On the question, Shall said bill pass?

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Arnold, Beckett, Bennett, Berkshire, Bowles, Burke, Campbell, Carlton of L., Clark, Coats, Cooper, Cox, Davis, Dunn, Eccles, Edmonson, English, Farley, Fitch, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamer, Hamblen, Henley, Herriman, Hull, Hunt of R., Johnson, Jones, Lane, Lanius, Lee, Miller, Milroy, Monroe, Montgomery, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of F., Osborn of U., Perry, Porter, Rippey,

Robinson of Ripley, Robinson of Rush, Rush, Sands, Shiveley, Southard, Spann, Stewart, Warriner, Wheeler, White, Wilson of W., Worster, Zenor, and Mr. Speaker—65.

Those who voted in the negative were:

Messrs. Allison, Arnold, Atherton, Baker, Bell, Butler, Carleton of F., Cogswell, Cutter, Everts, Finch, Flint, Hunt of J., Jackson, Jenckes, Judah, Lancaster, Long, McCormack, McGaughey, Morgan, O'Neill, Osborn of C., Parker, Robinson of J., Sweetser, Thompson, Wilson of M., and Woodard—29.

So said bill passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Jones, on leave granted, made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of Mary Gatewood, have had the same under consideration, and have directed me to report the accompanying bill and recommend its passage, to wit:

No. 344, a bill to divorce Mary Gatewood, which was read a first, second and third times, the rule being suspended; and,

On the question, Shall said bill pass?

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Bell, Burke, Butler, Clark, Coats, Cogswell, Davis, Eccles, Edmonson, English, Everts, Flint, Frisbie, Gardner, Haddon, Henley, Herriman, Jones, Lane, Lanius, Long, McCormack, Miller, Milroy, Monroe, Montgomery, Moore of O., O'Neill, Osborn of C., Osborn of F., Osborn of U., Perry, Perviance, Porter, Rippey, Sands, Southard, Spann, Stewart, White, Wilson of M., Wilson of W., Zenor, and Mr. Speaker—44.

Those who voted in the negative were:

Messrs. Atherton, Allison, Arnold, Atherton, Baker, Beckett, Bennet, Berkshire, Buckles, Campbell, Cox, Dunn, Farley, Finch, Fitch, Foster, Garrigus, Hamblen, Hull, Jackson, Jenckes, Judah, McGaughey, Moore of V., Morgan, Nelson of B., Nelson of M., Parker, Robinson of J., Robinson of Ripley, Sweetser, Thompson, Wheeler, Woodard, and Worster—35.

So said bill passed.

Mr. Monroe, from the committee on the State prison, made the following report:

MR. SPEAKER—

The committee on the State Prison, to whom was referred the (July) semi-annual report of the Visitor of the State Prison, together with sundry communications from Messrs. Patteson and Hensley, the superintendents, (or contractors,) beg leave to report, that from all that can be gathered from the report of the visitor (and which the committee deem very defective and unsatisfactory,) and from the letters of the Superintendents themselves, the committee are compelled to believe that the State Prison is under very bad management in many particulars. It is manifest by the report of the Visitor, that at the time he inspected the prison in July last, the same was in a wretched condition. Amongst the evils of this mal administration, the most prominent, were the filthiness of the several apartments, and a want of a sufficient quantity of wholesome provisions for the prisoners. The Visitor remarks "there appeared throughout the whole workshops, cells, eating-rooms, kitchen, guard-house, and yard, a great want of neatness and cleanliness, which is so necessary for the health of the prisoners, and the credit of the State." Mr. Patterson, one of the superintendents, in a letter written since the semiannual examination in January last past, (and of which the Visitor has made no report,) directed to the Speaker of the House of Representatives, says "that those convicts, under the care of Benjamin Hensley, (the other partner) made many heavy complaints to the Visitor." Mr. Hensley in his letter, admits that the convicts under his charge had expressed to the Visitor much dissatisfaction on account of their food;" the sick are not provided with Medical aid and nursing suited to their condition, nor such food and nourishment as their situation requires and humanity dictates. There appears to be no regular system of discipline; in some cases the punishment is very severe. There is no means in practice for the improvement of convicts, either in ordinary education, or moral and religious instruction.

The committee do not hesitate to say, that the present plan of leasing out to lessees, the State prison, and the unfortunate convicts who are its inmates, is the most ill advised and pernicious, of any that has prevailed in this country or elsewhere: it is wasteful and improvident to the State in its pecuniary results; its discipline, regulations, moral instruction, and improvement, are dependent upon the strength, cupidity, and mercenary passions of the persons who have, by the highest bid, succeeded to this important prerogative. The credit and character of the State, and the cause of humanity forbid that this system should be continued beyond the termination of the present lease. The law authorizing the leasing out of the State Prison, makes the lessee the superintendent of the Prison, with full authority to prescribe the discipline and other regulations of the prison. The present lease

was given to two persons, as partners, under the firm of Patterson and Hensley. These gentlemen have subsequently dissolved partnership, divided the convicts, and each carries on business by himself independent of the other. By this operation, there are two superintendents of the Prison. The evil effect of this state of things upon the discipline, and want of uniformity in the treatment of the convicts, the committee deem so great, as to require a more frequent scrutinizing visitation and inspection. Although the evils and abuses of the present system cannot be entirely avoided, but only mitigated, during the continuance of the present lease, which expires on the 13th of June 1841, yet the committee deem it important, that a more rigid inspection and examination be had, and that provision be made by law, before the expiration of the lease, to place the State Prison thereafter, under the government of inspectors, with such restrictions and discipline, as will secure a more humane administration of this important institution. In the memorial of Messrs. Hensley and Patterson, it is stated that they have claims against the State for upwards of \$2,500 for improvements on the prison, over and above the total amount of their rents to the State for the entire lease of 5 years, and they pray the General Assembly to direct a dismissal of a suit now pending against them for the two years rent prior to the expenditure upon which they found their claim against the State, and also the payment of this balance which they alledge is due them of \$2,500. It appears manifest to your committee, upon an examination of the act under which the expenditure was made, that it was not in the contemplation of the Legislature that any expenditure should be made beyond the amount of rents which might become due from the superintendents. If a contrary construction should be given to the act, it might (as it is a very money making operation) be extended to an amount greatly injurious to the State, and far beyond what necessity would require for the Prison. The committee would recommend a dismissal of the suit. As the law authorizing these expenditures is extremely loose, and opens a wide door for imposition upon the State, and heavy drafts upon the Treasury, the committee recommend its repeal.

Mr. Gardner moved that the report be laid upon the table, and that 500 copies be printed.

Mr. Bennett called for a division of the question, and the question was taken on laying the report upon the table, and decided in the affirmative.

On the question being put, Shall 500 copies of the report be printed? it was decided in the affirmative.

The joint resolution accompaning said report, to wit:

No. 345, a joint resolution relative to the State prison, was read a first and second times; when

On motion,

The House adjourned until two o'clock P. M.

Two o'clock P. M.

The House met pursuant to adjournment.

Mr. Haddon, on leave, introduced
No. 346, a bill to relocate the seat of justice of Sullivan county;
Which was read three several times and passed, the rule being suspended.

Ordered, That the clerk inform the Senate thereof.

Mr. Rush made the following report:

MR. SPEAKER—

The select committee to whom were referred the petitions of sundry citizens of St. Joseph, Elkhart, Noble, and Lagrange counties, praying a further prosecution of the Erie and Michigan canal and that the tax levied in the several counties immediately interested in that work be applied in payment of interest on the amount applied from time to time in the prosecution thereof—have according to order had that subject under consideration. Upon enquiry and examination the committee find that it will be necessary to supply the Wabash and Erie canal east of Fort Wayne during several months of the most business part of the year with water from the Erie and Michigan canal, and by reference to a report of the Engineer on that work, it will be seen that there will be a large surplus of water furnished by the feeders and reservoirs at and near the Elkhart summit over and above what will be required by that canal in any emergency. It is further evident by reference to the geographical situation of this canal, connecting as it will, when completed, lake Erie with lake Michigan and the Illinois canal, that the entire amount of merchandize annually transported west to the state of Illinois, part of Missouri, the territories of Iowa, Wisconsin and a great portion of the state of Michigan, must necessarily pass through this canal. Again, all the surplus produce of those states and territories embracing the fur trade from the North Western Territory, together with the immense amount of lead from the mining districts must pass this canal to find a market in the eastern cities. These facts connected with the history of northern Indiana, a section of country surpassed by none in point of fertility of soil and extent of agricultural productions—having inexhaustible beds of iron ore and all the materials necessary for the manufacture of glass—furnishing annually upwards of four hundred thousand dollars worth of bar iron and castings—to which may be added a rolling mill, nail and glass factories now in progress, all of which will probably be in operation during the present year, and peopled with a class of individuals remarkable for their industry, prudence, energy and perseverance—constrain

the committee to believe that the prayer of the petitioners ought to be granted so soon as the financial condition of the State will permit. They have therefore directed me to report the following bill, to wit:

No. 347, a bill to provide for the further prosecution of the Erie and Michigan canal;

Which was read a first and second times—the rule being suspended—and referred to the committee on canals and internal improvements.

Mr. Fitch moved to suspend the rule and take from the table bill of the House, No. 79, for the sale of the Wabash and Erie canal lands and for other purposes, that it may be placed in the orders of the day;

Which motion was decided in the affirmative.

Mr. Flint moved that bill No.

Mr. Berkshire moved that the question, on the passage of the bill for the relocation of the seat of justice of Sullivan county be reconsidered;

On which motion Mr. Cutter called for the ayes and noes; which not being seconded, the question was taken on said motion, and decided in the negative.

Mr. Morgan made the following report:

MR. SPEAKER—

The committee on roads, to whom was referred sundry bills, petitions and other papers on the subject of State roads, have had the same under consideration and directed me to incorporate all matters upon which they deem legislation expedient into one bill, which is herewith submitted to the favorable consideration of the House; and they respectfully recommend that all bills, petitions and other papers, accompanying this report be laid upon the table and the committee discharged from the further consideration of the same.

The bill accompanying, to wit:

No. 348, a bill to establish certain State roads therein named, and for other purposes;

Was read a first and second times—the rule being suspended, and

On motion of Mr. Edmonston,

Laid upon the table.

Mr. Judah, from the committee on the judiciary, made the following report:

MR. SPEAKER—

The committee on the judiciary according to order, have had under consideration the bill No. 60, of the Senate, entitled a bill to pro-

hibit the American Fur Company from banking in this State, and for other purposes.

The committee have directed me to make the following

REPORT:

The committee on the judiciary was induced by the representations made in the preamble to the bill under consideration, to examine the charter of the American Fur Company; and have ascertained that the company, by the express language of the charter, was prohibited from all banking powers. The act to incorporate the American Fur Company was passed April 6, 1808, and in its first section renders the company capable of buying and selling any real or personal estate whatsoever. In the 8th section the company is authorized to trade generally in conformity with the laws of the United States. And in a proviso to the 10th section, it is provided as follows: "That it shall not be lawful for said company to use or employ any part of its capital in any bank or banking business whatsoever;" otherwise than from time to time to invest any unemployed capital in bank stock, *bono fide*.

The company thus chartered, was a trading company, and distinguished from a banking company. But it is necessary that trading companies, as well as individuals engaged in trade, should be able to draw and endorse bills of exchange and promissory notes. At common law, corporations could only thus act under the common seal, and hence it is usual in charters to, trading companies, to authorize the company to make and endorse bills and notes without the seal. So, under this charter, the company are authorized to make and issue bills of exchange, signed by the officers or by two of the directors; and by another act, April 9, 1811, the company are authorized to issue promissory notes to be signed by the officers, to an amount in the whole not exceeding \$100,000, and each note to be for an amount not less than \$1,000. To this last authority, there is also annexed an express prohibition, that the company shall not "employ any part of its capital in any banking business."

The only authority of this nature then, which the company has by its charter, is that possessed and used by merchants generally; a capacity to make and transfer bills and notes; a power of common right, inherent in all men, and convenient and sometimes essential for the purposes of trade. Hence, in the opinion of the committee the first section of the bill is unnecessary.

The preamble further charges the Fur Company with *monopolizing trade, &c.* The second section of the bill provides that the company shall not *sell* or *purchase* goods, &c., in the State of Indiana without paying an annual license of \$20,000. Licenses for the *sale* of goods, &c., are required by the revenue or police laws of many countries, including Indiana. But the committee believe that licenses for the *purchase* of goods, &c., are unknown in all enlightened governments, whether free or despotic.

The people of Indiana are producers of many articles of export:

pork, beef, and grain. Our forests furnish an amount of skins and furs. All these articles, pork beef and grain, skins and furs are prepared for foreign market; and our wealth, the reward of our labor, depends on the price we receive in return. All governments, at all enlightened, have ever encouraged *foreigners* to come and purchase the products of the country, because thus the foreigner furnishes the capital and takes all the risk of the transshipment, of the variations of prices, and other circumstances on which the profits of trade depend; while the producer is left at home, to employ his time and increased capital, in the further production of produce. There is but one principle in opposition to this. That is one in which Indiana can never have any interest. We mean the encouragement of shipping. At all times, under all circumstances, it must be profitable for Indiana to encourage not only our own citizens, but the citizens of other States, and foreigners to come to us and purchase our products. The more of such purchasers we have the more competition will exist. The more the competition amongst the purchasers, the greater will be the prices we shall receive.

To require a license from the foreign purchaser of our pork or corn, in any sum, large or small, would at once strike all men as an absurdity. Can there be any difference in principle between the foreign speculator in pork or corn, and the foreign speculator in skins and furs?

It is not easy to ascertain the amount of skins and furs furnished for foreign market by Indiana. It is believed, that the amount shipped in 1839, exceeded \$150,000. The committee have attempted to ascertain the average prices for the last three years, and the effect of the competition of the American Fur company on those prices. The company are understood to have entered into the market in 1838, and to have bought extensively in 1839.

The prices in 1837, were as follows:

Raccoon,	- - - - -	18½ to 25 cents.
Muskrat,	- - - - -	18½ "
Grey Fox and Wild Cat,	- - - - -	18½ "
Deer Skins, (average)	- - - - -	12½ per lb.

The prices in 1838, were as follows:

Raccoon,	- - - - -	37½ to 50 cents.
Muskrat,	- - - - -	25 to 37½ "
Grey Fox and Wild Cat,	- - - - -	25 "
Deer Skins, (average)	- - - - -	22 per lb.

And the prices in 1839, were as follows:

Raccoon,	- - - - -	50 to 62½ cents.
Muskrat,	- - - - -	37½ to 50 "
Grey Fox and Wild Cat,	- - - - -	31 "
Deer Skins, (average)	- - - - -	25 per lb.

This gradual rise of prices conclusively shows, that thus far the competition of the Fur company has been beneficial to the deer shooting, coon hunting, and fur catching people of Indiana, and presents, therefore, the best of reasons against any interference with the operations of the company.

In the opinion of the committee, it will be time enough to interfere with the company when the *price of skins, &c.* falls in the market.

It is intimated in the preamble to the bill, that the company do not pay taxes in Indiana.

The capital of a Foreign trader who comes here temporarily, for the purchase of produce, should not be taxed; and the produce, when in his possession, either preparing for shipment or on the road to market, should not be taxed. All restrictions on the purchase of our produce, all additional expenses caused by taxes on the shipper, are so much to be added by him to the cost of his produce, and therefore, *so much to be deducted by him from the price* he can afford to give for the produce. As all duties on imports are indirect taxes on the consumer; so, all taxes on the shipper are indirect taxes on the producer.

Whereupon, the committee recommend that the said bill be indefinitely postponed.

Mr. Robinson of J., moved that the report be laid upon the table and one thousand copies be printed for the use of the House.

A division of the question being called for, the question was taken on laying the report upon the table, and decided in the negative.

Mr. Butler moved that the report of the committee be concurred in,

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Allison, Arnold, Atherton, Baker, Beckett, Bell, Bennett, Berkshire, Bowles, Buckles, Burke, Butler, Campbell, Coats, Cooper, Cox, Cutter, Dunn, Everts, Farley, Finch, Flint, Foster, Hammer, Hamblen, Hunt of R., Jackson, Jenckes, Johnson, Jones, Judah, Lancaster, Lanius, Lee, McGaughey, Miller, Milroy, Monroc, Montgomery, Morgan, Morrison, O'Neill, Osborn of C., Osborn of F., Osborn of U., Parker, Perviance, Rippey, Robinson of J., Robinson of Ripley, Robinson of Rush, Rush, Shiveley, Southard, Thompson, Warriner, Wheeler, Wilson of M., Woodard, and Worster—59.

Those who voted in the negative were:

Messrs. Carlton of L., Clark, Cogswell, Davis, Edmonson, English, Fitch, Frisbie, Garrigus, Gardner, Haddon, Henley, Herriman, Hull, Lane, McCormack, Moore of V., Nelson of B., Perry, Porter, Sands, Spann, Stewart, and Mr. Speaker—24.

So the report of the committee was concurred in.

The said bill, mentioned in the report, was,

On motion,

Indefinitely postponed.

Mr. Sweetser made the following report:

MR. SPEAKER—

The committee on corporations, to whom was referred the bill to incorporate the Crawfordsville Female Institute, have had the same under consideration, and directed me to report the same with an amendment;

Which was concurred in.

The said bill was ordered to be engrossed for a third reading.

Mr. Finch made the following report:

MR. SPEAKER—

The committee on the judiciary has had under consideration, according to order, two petitions of sundry citizens of Jefferson county, praying the passage of an act granting to all persons whatever, the right of trial by jury in all cases where liberty is concerned, and has directed me to report, that any legislation on the subject of said petitions is inexpedient, and ask to be discharged from the further consideration of the same.

The report was concurred in and the committee discharged accordingly.

Mr. Robinson of J., made the following report:

MR. SPEAKER—

The committee on the judiciary, to which was referred a "bill to amend an act entitled "an act regulating the practice in chancery," approved Feb. 10, 1831, has had the same under consideration according to order, and has instructed me to report the same back to the House and recommend its indefinite postponement.

The report of the committee was concurred in and the bill indefinitely postponed.

A message from the Senate, by Mr. Cathcart, a member.

MR. SPEAKER—

The Senate having passed an engrossed bill thereof, No. 155, entitled "an act in relation to such writs, &c. as may have issued or shall issue from the clerks of the circuit courts in Laporte, Porter, and Lake counties," I am directed by the Senate to bring the same to the House of Representatives, and to ask their concurrence therein.

The said bill was read a first, second and third times, and passed, the rule being suspended.

Ordered, That the clerk inform the Senate thereof.

A message from the Senate by Mr. Test their Secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that the Senate has passed an engrossed bill thereof, No. 128, entitled

An act amendatory to an act entitled "an act incorporating congressional townships, and providing for public schools therein," approved Feb. 17, 1838;

In which the concurrence of the House is respectfully requested.

The bill mentioned in the message was read three several times and passed, the rule being suspended.

Ordered, That the clerk inform the Senate thereof.

A message from the Senate, by Mr. Test their Secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives, that the Senate has passed engrossed bills thereof as follows, to wit:

No. 106, an act to amend the several acts of this State relative to the taking up of animals going astray, and water crafts and other articles of value adrift;

No. 107, an act providing for selecting, rating and selling lands yet due on the Wabash and Erie canal, east of the mouth of the Tippecanoe river, and for other purposes;

In which the concurrence of the House is respectfully requested.

Bills of the Senate Nos. 106 and 107, mentioned in the message, were severally read a first time and passed to a second reading.

A message from the Senate, by Mr. Baird, a member:

MR. SPEAKER—

I am instructed to inform the House of Representatives, that the Senate has passed an engrossed bill thereof, entitled

"An act to authorize the school commissioners of the county of St. Joseph, to hold the appointment of county treasurer;"

Which I am directed to report to the House of Representatives, and respectfully ask their concurrence therein.

The said bill No. 92, mentioned in the message, was read three several times and passed.

Mr. Miller made the following report:

1865

MR. SPEAKER—

The select committee to which was referred "a bill appointing agents for loaning the surplus revenue in the several counties in this State for the year 1840," having had it under consideration, have directed me to

REPORT:

That upon comparing said bill with the bill of 1839 for the same purpose, and with the report of the Treasurer of State upon the subject of the surplus revenue, they find that several agents have been re-appointed by this bill who have failed for the year last past to make any, or have made but partial reports of the condition of the funds under their charge. This the committee deem unjustifiable under any circumstances in a public officer having in his hands public funds to a large amount, and presumptive proof of mismanagement or defalcation. They therefore recommend that the names of all such agents be stricken from the bill and new agents appointed. The counties in which such agents as have exhibited the most negligence in reporting have been reappointed by the bill submitted to them, they find to be as follows, to wit: Allen, Clarke, Clinton, Dubois, Floyd, Fulton, Jennings, La Porte, Montgomery, Miami, Marshall, Pike, Putnam, Rush, Scott, Vermillion, and Vigo. For the better security of the funds under the charge of the several agents, they report two amendments to the bill the adoption of which they recommend.

Mr. Sweetser moved that the two last amendments, proposed in the report be concurred in;

Which motion was decided in the affirmative, and said amendments, to wit: the addition to the bill of two sections, were adopted.

On the question, shall the residue of the report be concurred in? it was decided in the negative.

Mr. Bennett moved further to amend the bill, by striking out the name of "Joseph Anderson," and inserting the name of "James Perry."

A division of the question being called for, the question was taken on striking out the name of "Joseph Anderson,"

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Allison, Atherton, Beckett, Bell, Bennett, Berkshire, Burke, Butler, Coats, Cooper, Cox, Dunn, Everts, Finch, Flint, Hunt of R., Jackson, Jenckes, Judah, McGaughey, Montgomery, Morgan, O'Neill, Osborn of C., Parker, Robinson of J., Thompson, Woodard, and Worcester—29.

Those who voted in the negative were:

Messrs. Albertson, Arnold, Buckles, Campbell, Carlton of L., Clark, Cogswell, Davis, Eccles, Edmonson, English, Farley, Fitch, Frisbie, Garrigus, Haddon, Haymer, Hamblen, Henley, Herriman, Hunt of J., Hull, Jones, Lane, Lee, Long, Miller, Milroy, Monroe, Moore of O., Morrison, Nelson of B., Osborn of F., Osborn of U., Perry, Perviance, Porter, Rippey, Rush, Sands, Shively, Southard, Spann, Stewart, Warriner, Wheeler, White, and Mr. Speaker—48.

So said name was not stricken out.

Mr. Montgomery moved to amend the bill, by substituting the name of "J. Lowry" for E. F. Lucas;

Which motion was decided in the affirmative.

Mr. Osborn of C., moved to fill the blank in the bill for Clay county, with the name of John B. Neese;

Which was consented to by the House.

Mr. Fitch moved to fill the blank in the county of Cass, with the name of William Z. Stewart;

Which motion prevailed.

Some other amendments were made to the bill by consent; when it was ordered to be engrossed for a third reading.

Mr. Garrigus moved that the rule be dispensed with and that the bill be read a third time now;

Which motion was decided in the affirmative.

The bill was then read a third time and passed.

Mr. Sweetser asked leave of absence for the remainder of the session;

Which was granted by the House.

Mr. Hull made the following report:

MR. SPEAKER—

The joint committee on enrolled bills have compared the following engrossed bills of the House with the enrolled bills, and find the same correctly enrolled, viz:

No. 251, an act for the relief of the widow, heirs and administrator of William Watts, deceased.

No. 182, an act to legalize certain proceedings of the board doing county business for Wabash county;

No. 202, an act to incorporate the Washington band of musicians;

No. 155, an act to incorporate the trustees of the Walnut Ridge cemetery.

No. 214, an act to legalize the proceedings of certain justices of the peace in Clay county and for other purposes;

No. 211, an act to provide for the election of an additional justice of the peace and constable for Morgan township, in the county of Harrison;

No. 9, a charter for the Evansville Rifle Rangers;

No. 97, an act to incorporate the town of Noblesville, in the county of Hamilton, Indiana;

No. 82, an act to amend an act entitled "an act to incorporate the Lawrenceburgh bridge company," approved January 24th, 1831;

Whereupon, the Speaker signed said bills.

Ordered, That the clerk carry them to the Senate for the signature of their President.

Mr. Hull, of the joint committee on enrolled bills made the following report.

MR. SPEAKER—

The joint committee on enrolled bills report, that they have this day presented to his excellency the Governor, for his approval and signature, the following enrolled acts which originated in the House:

No. 251, an act for the relief of the widow, heirs and administrators of William Watts, deceased;

No. 182, an act to legalize certain proceedings of the board doing county business for Wabash county;

No. 202, an act to incorporate the Washington band of musicians;

No. 155, an act to incorporate the trustees of the Walnut Ridge cemetery;

No. 214, an act to legalize the proceedings of certain justices of the peace in Clay county, and for other purposes;

No. 211, an act to provide for the election of an additional justice of the peace and constable for Morgan township in the county of Harrison;

No. 9, an act incorporating the Evansville Rifle Rangers;

No. 97, an act to incorporate the town of Noblesville, in the county of Hamilton, Indiana;

No. 82, an act to amend an act entitled "an act to incorporate the Lawrenceburgh bridge company," approved January 24, 1831.

Mr. Morrison made the following report:

MR. SPEAKER—

The joint committee on enrolled bills report, that they have compared the engrossed with the enrolled bills, which originated in the House of Representatives, of the following titles, to wit:

No. 250, an act to repeal an act entitled "an act to locate a State road from New Albany in Floyd county to Charlestown in Clark county," approved February 12, 1839;

No. 62, an act to amend an act entitled "an act providing for a more uniform mode of doing township business in the several counties therein named," approved February 17, 1838;

No. 140, an act authorizing Daniel M. Ingersoll and James J.

sup to build a mill dam across Eel river in Green county;

No. 101, an act to locate a State road therein named;

No. 146, an an act to encourage the raising of sheep and hogs, and to increase the revenue of the State and the wealth of the people;

No. 88, an act to enlarge the powers of the probate courts of Marion county in a certain case therein named;

No. 103, an act to amend an act entitled "an act to incorporate the town of Vevay," approved January 30, 1836;

No. 195, an act to incorporate the Wabash fire company;

No. 7, an act prescribing an uniform mode of ascertaining by weight, the quantity of the different kinds of grain that shall pass for a standard bushel, in this State;

No. 135, an act to authorize the circuit court of the county of Cass, to change the venue in a certain case therein named;

No. 164, an act to amend an act entitled "an act for the protection of the Madison and Indianapolis railroad," approved February 14, 1839; and find them truly enrolled.

Whereupon,

The Speaker signed the same.

Ordered, That the clerk carry them to the Senate for the signature of their President.

Mr. Morrison made the following report:

MR. SPEAKER--

The joint committee on enrolled bills report, that they have this day presented to the Governor, for his approval and signature, the following bills, which originated in the House of Representatives, to wit:

No. 261. An act to authorize the removal of the obstruction to the free passage of the water down Little Blue River in Rush, and Shelby counties.

No. 225. An act to authorize certain individuals therein named to build a toll bridge across the Kankakee River at Sherwood's Ferry in Porter county.

No. 229. An act to provide for the election of a justice of the peace in Alquina Fayette county.

No. 227. An act to provide for a more uniform mode of doing township business in the county of Cass.

No. 220. An act to make allowances to supervisors for extra services in the county of Boon.

No. 218. An act to authorize the election of an additional justice of the peace, in the township of Orange, Noble county.

No. 200. An act to provide for the erection of two bridges in the county of Orange, and for other purposes.

No. 44. An act to incorporate the Point Commerce Manufacturing Company, and for other purposes.

No. 194. An act for the relief of the collector of the county of Orange.

Mr. Osborn of F., made the following report:

MR. SPEAKER—

The joint committee on enrolled bills report, that they have compared the enrolled with the engrossed bills, which originated in the House of Representatives, of the following titles, to wit:

No. 176. An act creating the county of Benton, and for other purposes.

„ 181. An act to authorize the relocation of the State Road passing through the town of Rising Sun, in the county of Dearborn.

„ 248. An act to appropriate a part of the three per cent. fund of Ripley county, and for other purposes.

„ 284. An act for the relief of Julia A. Wernwag.

„ 49. An act to authorize Osborn and Chamberlain, late printers to the House of Representatives of the State of Indiana, or either of them to sue the State.

„ 305. An act to regulate the jurisdiction of justices of the peace in the county of Hamilton.

„ 169. An act to confirm the title made by Harriet M. Williams and Thomas H. Williams, minors to certain real estate therein designated.

„ 246. An act for the relief of R. and H. Stewart.

„ 189. An act concerning the estate of Benjamin F. Butts, deceased.

„ 163. An act to allow further time to the Lawrenceburgh and Indianapolis Rail Road Company to settle up, and close their affairs.

„ 94. An act declaring certain names therein mentioned, misprints.

„ 261. An act to change the name of the town of Paris in Lawrence county, to that of Bryantsville,
And find the same truly enrolled.

Whereupon,

The Speaker signed the same.

Ordered, That the clerk carry the same to the Senate for the signature of their President:

Mr. Osborn of F., made the following report:

MR. SPEAKER—

The joint committee on enrolled bills report, that they did, this day, present to his Excellency, the Governor for his approval and signature the following joint resolution and acts, which originated in the House of the following titles, to wit:

No. 294. An act to provide for the summoning and empanneling jurors, in the county of Delaware.

„ 199. An act to provide for the re-appraisal of school section in Lake and Owen counties.

No. 306. An act to change the time of holding Courts in the several counties of the eleventh judicial circuit.

„ 192. An act declaring main Flat Rock, and Big Blue River Public highways, in the counties of Henry, and Shelby.

„ 118. An act to incorporate the Anderson bridge company.

„ 292. An act to amend an act entitled “an act to incorporate the Mayor and Common Council of the town of Delphi.”

„ 257. An act to amend an act entitled “an act to regulate the mode of doing county business in the several counties in this State approved February 17, 1838.

„ 210. An act changing the time of holding Commissioners Courts in the county of Floyd.

„ 256. An act declaring a misprint, and for other purposes.

„ An act relative to the purchase of a Fire Engine in the town of Jeffersonville.

„ 308. An act for the relief of Peter Hussey.

„ 143. A joint resolution relative to the two White Rivers in Indiana.

On motion,

The House adjourned until Monday morning next, at nine o'clock.

MONDAY MORNING, FEBRUARY 17, 1840.

The House met pursuant to adjournment.

Mr. English, moved to reconsider the vote on printing the report from the committee on the State prison;

Which motion was decided in the negative.

Mr. Carleton of F., from the minority of the committee on canals and internal improvements, made the following report:

MR. SPEAKER—

The minority of the committee on Canals and Internal Improvements, to whom was referred that portion of the Governor's Message, relating to that subject, dissent from the views of the majority, and respectfully

REPORT:

That in relation to the subject matter referred to them, they feel themselves delicately situated. Young and inexperienced in legislation, they find themselves suddenly and unexpectedly brought in contact with an able and veteran statesman—one who has, more than once, been honored with a seat in the national councils of our country. In addition to this, no views had ever been canvassed before the committee, as to the system generally—no investigation had, and now, at the very eve of the session, they are called upon to answer a learned and voluminous report, which has been silently maturing, by close and scrutinizing investigation, for nearly the last three months. With but a few days to prepare, the minority cannot hope that their views will present that clearness of thought—that purity of diction, or that elegance of style, which mark every line of the majority report. They feel themselves, however, imperiously called upon, as well by those principles they have heretofore advocated, as by what they conceive to be the best interests of their constituents, and the State, to counteract, if possible, the injurious tendency of the views entertained by the majority.

And in doing this, the minority will not labor, by strong and pathetic appeals, to the passions and prejudices of men, to bias their better judgment, or to lead them, from what is now the duty of every man to attend to, the formation of a correct judgment, as to our present situation, and the causes thereof. If error has been committed in our State policy, it is for us, as far as possible, to correct—not to censure. If, in the midst of enthusiastic feeling, visionary schemes have been originated and commenced, let the experience which we have gained be employed in guarding the future, and not in blaming the folly of the past.

Men, at best, are too apt to hurry from one extreme to another.—Projects of to-day are abandoned to-morrow, solely because there has not been an immediate and full enjoyment of all that had been hoped to be realized. And yet, if they had been prosecuted with a firm and unwavering purpose—if trifling obstacles, such as are to be met with in almost every pursuit, had been steadily encountered, the result would have been far beyond even the most sanguine expectation.

Never did the classic poet speak more truly, than when he said: "*Labor vincit omnia.*" It has covered the ocean with moving palaces—peopled the wild and untrodden wilderness—reared towns and villages—brought distant points, as it were, together—unfolded the beauties of science and of art, and out of disorder and confusion brought order and regularity. Apparent impossibilities have melted before its magic wand, and the noblest achievements of man are but the trophies of its power.

An enterprise once undertaken should never be abandoned, unless we are satisfied that the benefits resulting therefrom will be less than the expenses incurred in its prosecution. Nor should we, for the pur-

pose of ascertaining these facts, suffer our feelings or our prejudices to enter into the investigation. Facts, which are stubborn things, should be searched for, both for and against; and in the absence of these, we should, by the aid of reason, analyze, compare, and draw our conclusions. A partial statement can never be productive of any good. I may blind and mislead for a season, but in the end, it will serve but to increase the power and force of truth. The stream may be checked in its onward flow to the ocean, by temporary impediments, but that very check but increases its strength and its violence, until it bears down every obstacle, and rushes with an increased impetuosity in its onward way.

It is not fair to presume that the great mass of the people do not think; and more particularly so, in a country like ours, where all stand upon an equal footing, and where knowledge is disseminated among all. And yet, such a presumption must exist, whenever we attempt, in the investigation of subjects which affect their interest, to so collect and arrange our facts, or to so analyze and compare, as to produce such an impression, as the simple facts thrown before them would not justify.

The aim of the minority will be, to give their statement in strict accordance with those views, without any of the "gaudy trappings of rhetoric," or "cobweb-coverings of sophistry."

And here, perhaps it may be necessary, in order to arrive at correct conclusions on this subject, to state some of the causes which operated upon this State, as well as others, in embarking in works of internal improvement. The time was, when the strong arm of the General Government was exerted in behalf of enterprizes of this kind. Viewing it as one of the means by which this wide spread country was to be held together, as well from conflicting interests within, as from aggressions without, her resources developed, and an increased impulse given to her onward march, in the elements of greatness, she brought to their aid the ample revenues of her treasury. In the midst of this disposition, however, on the part of general government, to expend her revenue in the prosecution of works of internal improvement, other views sprang up, were disseminated among the people, and received their sanction. By this, one feature (and which feature the minority believe ought never to have existed) was struck out from our national policy, viz: the prosecution of works of internal improvements, by the General Government.

Simultaneous, however, with the promulgation of this doctrine, came a recommendation, if not directly, at least indirectly, from high authority, that the States themselves should engage in these important undertakings.

To keep the General Government separate and distinct from works of internal improvement, (save those which are strictly national in their character,) has now, and was at the time our present system was brought into existence, the settled policy of the country. What, then, was to be done? To every State grave and important questions presented themselves. Was the strong arm of enterprize—that great

lever of the commercial world, to remain forever nerveless and unstrung? Were their resources to be forever buried in the bosom of the earth—their onward march in the developement of all those moral and physical causes, which dignify and elevate humanity, to be forever retarded, and the hope of every patriot, in relation to the proud destiny of his country to be forever blasted? Or should they, by presenting increased facilities to their citizens, for communication with foreign markets, reanimate the drooping energies of enterprize—fire the bosom of the laborer with the hope of a rich reward for his industry, and give life, and form, and reality to the bright imaginings, which the very genius of our institutions was calculated to inspire. Who would, who dare hesitate in relation to the course which they were called on to pursue. Their path was marked out, as with a sunbeam. Examples were before them—bright and shining examples, and why should they refuse to engage in an enterprize, sanctioned by experience, and promising such real and substantial prosperity. But in addition to this, there is another cause which operated upon this State, at least, and induced her to embark in works of internal improvement.

All political economists, however much they may differ in other respects, agree in this, that the earth is the great *source* of wealth—that from it we derive whatever can add to the permanent and substantial wealth of any country. Another proposition, alike admitted, and equally true, is, that labor is the *cause* of wealth. If then the earth be the *source*, and labor the *cause* of wealth, no country will have reached the acme of its wealth, until the labor bestowed upon its soil, is equal to its yielding power. Again, the consumption must equal the production, otherwise it is labor lost. In vain would the farmer cultivate the soil, unless for the surplus over and above his own consumption, he could effect an exchange, either for materials necessary in his avocation, or that by which those materials could at any time be procured.

If this reasoning be correct, it follows then, first, that whenever and by whatever means, an increased stimulant is given to labor, by producing an increased demand for its surplus productions, a salutary effect must be had upon the financial condition of the country. Secondly, that it is for the interest of every country that means should be resorted to, for the purpose of making labor equal to the yielding powers of its soil; and thirdly, that this can only be done by increasing the demand for the products of labor, and thereby making the consumption equal to the production.

How then stands the case? We look round, and behold embraced within the limits of the State of Indiana, one of the most fertile spots of land in the habitable globe. At the time the present system was brought into existence, the tide of immigration was pouring in upon us, as eloquently expressed by one, “like the streams from an hundred hills.” The dark forests had passed away before the hand of industry, and the star of civilization was beaming over the wildest haunts of the barbarian and the savage. The surplus produce of the State was

rapidly increasing upon the hands of its hardy yeomanry, and no means by which the distant markets could be reached, save the almost impassable roads, which abound in our country. With a country then inexhaustible in its resources, and an amount of labor almost doubling every year, how natural was it that the minds of the people should have been directed to those means, by which the continually increasing surplus products of their labor find consumers. The situation of the country demanded increased facilities, and those facilities could only be secured by an action of the State in her sovereign capacity.

Now it was either policy for the State to embark in a system of internal improvements or it was not. If it was not, then it is not the true policy of any country to make the labor equal to the productive power of the soil—to secure to the producer a ready and an increased consumption for the surplus products of his hand. In a word that man is neither a prudent nor a skillful legislator, who would attempt to give an increased activity to industry, and as a consequence would cause the full developement of the latent resources of the country for which he was acting. And why? Because, we believe, and we think no one can doubt it, that works of improvement, are calculated to produce these results. Their very object is to provide for the producer a greater number of markets, and thereby increase the demand for his surplus produce. This again has its effects upon labor, requiring an increased amount thereof to meet the increasing demands for its products.

These then, are some of the causes which first turned the attention of the people to the subject of internal improvements.

We now come to notice that important period in the history of our policy, from which, we are informed, we are to date the commencement of our present ruin and distress. The system of '36, we are told, is the beginning of a dark era, in our State's history—that previous to that time we were rapidly advancing in all the elements of wealth, of greatness, and glory—our credit good, our treasury full, our people happy, and every thing gave evidence, that the onward march of Indiana was to be brilliant and unprecedented. But now how changed the scene. The genius of desolation (in the form of the system) has swept over our land, and left written on its proudest monuments "*sic transit gloria mundi.*" Wherever we turn our eyes, we behold but one wide spread scene of misery and distress—"forests plundered and quarries taken from their owners—farms divided and fields laid waste—engagements with contractors violated, and laborers turned out of employ for want of ability on the part of the State to pay." All these evils, and more, are the result, of the system of '36. What a lamentable tale, and how well and pathetically told. Well might Indianans weep—well might they sigh—well might they curse the system if these inferences, drawn from a partial view of the subject, were correct. Those who reason in this way, however, have, in the opinion of the minority, jumped at their conclusions, without giving either their *premises* or their *middle term*, or if they have, they will

not support their conclusions. Their reasoning, put in the form of a syllogism, amounts to about this: Indiana has borrowed some five or six millions, for the purposes of internal improvements, that money has been scattered among the people in the act of creating facilities for commerce—therefore ruin and distress has followed. Who cannot see the fallacy of such reasoning—its ultimate tendency if perchance from the artfulness with which it is dressed by its supporters, it should be believed.

It is true, in the language of the majority, that every plan should be conceived in wisdom, in order to render it beneficial, and that to conceive with wisdom implies the means. The majority of the committee, in their report, have undertaken to prove the negative of this proposition, so far as it relates to the system of '36. And how have they succeeded? Let us examine. The year '34 is made the starting point. It is then the ball was first set in motion, which in the opinion of the majority, has in its onward progress, buried beneath its pressure, every vestige of our former glory and greatness. In tracing the history of this "ball;" the majority, after several quotations from the then Governor's message, seize upon a certain resolution introduced by Mr. Vawter of Jennings, as evidence strong as holy writ, of the utter folly and madness which marked the original conception of the system. This resolution says the majority, provides for the construction of more than a thousand miles of rail road, with an appropriation of \$1,400,000; or in other words, the object of the author of that resolution was, to construct that amount of rail road, with \$1,400,000, when in fact, says the majority, it would have required forty four millions, which, at 6 per cent. simple interest, would have amounted in twenty-five years to the enormous sum of \$110,000,000, and according to the principles of the funding system, the still greater sum of \$195,000,000.

To prove these statements, the majority have selected nine of the principal rail roads in the United States, and ascertained the average cost per mile of the same, to be \$44,000. From this data, they draw the conclusion that the 1000 miles thus projected, must and would have cost the same amount.

When men reason from analogy, they should be certain that the things compared resemble each other, otherwise an incorrect conclusion will be drawn. Now what do the majority presume, (for there is no proof of it,) in their process of reasoning, as to the actual cost per mile of the rail roads proposed in said resolution. They presume, that the countries through which they (and those with which they are compared) pass, have the same elevations and the same depressions—that the same difficulties are alike to be encountered, and the same amount of labor to be called into requisition. Now this may or it may not be so. Indeed the geography of the different countries, proves that such is not the case.

But let us test this matter still further. In a paper, recently drawn up by F. A. Chevalier De Gerstner, an intelligent and able Austrian engineer, who visited this country, for the purpose of examining the

different rail roads embraced within its limits, we find the following words:

“According to the facts collected, during my travels, since my arrival in New York, there are now three thousand miles of rail roads completed and in operation in the United States; 425 locomotives of which the greatest number were made in this country, run on the several rail roads, and I believe that up to the end of 1839, the length of rail roads in the United States, may amount to 4,100. The capital expended on the rail roads now in operation is about \$60,000,000 or at an average cost of \$20,000 per mile, for which sum the rail roads, with the buildings, have been constructed, and the necessary locomotives and cars bought.”

Now if the roads throughout the United States, taken as a whole, average but \$20,000 per mile, is it not reasonable to presume, that that average would not be increased, by the construction of one thousand miles more, over a territory like ours. Then instead of forty-four, we should require but twenty millions of dollars to construct the rail roads referred to in the majority report. If it be true, as estimated, that Mr. Vawter supposed that it would require but \$1,400,000 to carry out the object proposed by his resolution, and if it be true, that the average cost, per mile, of rail roads in the United States be but \$20,000, which of the two contending parties has come nearest the probable cost. If Mr. Vawter undervalued it by 19,600,000 dollars, the majority of the committee have overrated it, by 24,000,000 dollars. If deception were practised by the mover of that resolution, or if he had “no conception of the expense of the works enumerated in it,” the conception of the majority was entirely *too great*. Even the report of the majority shows that 227 miles of our own works, now completed, upon an average, cost but a little over 20,000 dollars per

Conclusions thus drawn from a partial view of facts, if permitted to go forth to the world uncorrected, would produce such an impression as the whole facts would not justify.

But this is not the only objectionable feature in this part of the majority report. The actual cost is not only swelled beyond a reasonable amount, but there seems, to the minds of the minority, to be, not only here, but throughout the whole report, a labored effort to conceal every circumstance that would justify this bold and gigantic undertaking. The evils are presented in bold relief, whilst not a word is said about the benefits to be conferred. The two questions, “was it conceived in wisdom? has it been prosecuted with prudence and skill?” are to be answered in the negative; and such facts, and such alone, as will justify that answer, are selected with care and arranged with skill. The system now “lifeless and powerless,” must remain

To accomplish this, the fears of the people must be excited by holding up its enormous cost—the utter hopelessness of ever realizing any revenue from it, when completed, must be impressed upon their minds, by certain extracts from reports and papers, all tending to prove that point. They must be reminded that a mortgage of interminable duration, is resting upon every acre of their lands, and their

indignation must be excited against those who dared to stand forth its advocates. The eye rests upon no green spot, in all the weary waste—no cooling brook in the midst of the scorching desert. Not a single ray of hope gilds the “dark cloud of dismay hanging over our territory,” and no animating sound comes to cheer the drooping energies of the noble and daring sons of this “giant queen of the West.” Destruction has followed upon consummate folly—despair has succeeded to joy, and midnight darkness to noon-day brightness.

Truly does it become the patriot to pause, and enquire if these things be so,—if in fact the world has been for years laboring under error, in relation to those splendid schemes of internal improvements, which have been in almost every land projected and completed. Certainly Mr. Ruggles, chairman of the committee of ways and means, in his able report to the legislature of New York, upon the finances and internal improvements of that State, on the 12th of March, 1838, must have been mistaken, when he says, (p. 9,) “No fact in all that history (meaning their financial history) is now more striking, than the remarkable failure of our distinguished men, adequately to estimate the pecuniary value of the canals. The most sanguine anticipations of the most enthusiastic supporters of our policy of internal improvements, fell far short of the actual results which that policy has produced, while the doubts and forebodings of its opponents, are remembered only as curious portions of our intellectual history.” And we are the more thoroughly convinced of this fact, since we find from the report of the majority, there are those, even in New York, as well as here, who still doubt and labor to disprove their pecuniary value.

But let us examine, and see if a fair and impartial view of all the facts, will support the labored effort of the majority to prove the utter impossibility of their ever becoming a source of revenue to any country. And to reason correctly upon this subject, resort should not be had to certain unproductive works, (if those works can be called unproductive, which, although they do not yield a direct revenue, greatly add, indirectly, to the general wealth of the country,) but the whole should be taken. The revenue arising therefrom should be compared with the capital invested, and if a fair per cent. is yielded, they must certainly be considered profitable. In referring to the paper just above mentioned, the following among other statements are made:

“Several railroads have been undertaken with insufficient means, and the shareholders found themselves under the necessity of employing the income of the first years in improving the rail roads, in building engine houses, &c. and purchasing locomotives and cars. In consequence of this, the shareholders got during that time, no dividends, but the rail roads still yielded a good income. Other rail roads when finished, paid from five to ten per cent. income to the stockholders; others have not yet paid any dividends, for want of a sufficient number of passengers and freight. The average result of the rail roads now in operation in the United States, is, that they give a yearly interest of five and a half per cent. on the capital invested.

The result must be regarded as very satisfactory, because the greatest part of the lines have only been a few years in operation."

"On all lines there is a yearly increase of at least 15 to 20 per cent. in the gross income; so that even those lines, which do not pay now, will give in a few years a handsome dividend. According to these statements, based on the communications collected in this country, (United States,) I have no doubt that the large capital invested in rail roads in the United States, will not only produce an incalculable benefit to the country, but likewise pay the stockholders a dividend which, under good management, by the constant progress of population and trade, must likewise, from year to year increase." Again he says: "In America, the annual average gross income, per mile of road, amounts to \$3,075, the annual current expenses to \$1,950, leaving \$11,25, which, compared with the cost of a mile of road (\$20,000,) gives five and a half per cent. interest. On the rail roads in Belgium, the annual gross income per mile is \$6,003,75, the expenses \$3,937,86, leaving \$2065,89 as interest on the cost of \$41,300 per mile, or exactly five per cent."

Here, then, is the testimony of an individual, who had charge of the first rail road on the continent of Europe, who came to this country with an express view to examine the different rail roads embraced within its territory, and from whose own writing we extract the following: "After a short stay of a few days at New York, I went to Albany, and inspected all the rail roads between that place and Lake Erie; I then proceeded to the eastern States, and visited all the rail roads in Massachusetts, and went by way of New York, Philadelphia, Baltimore, Washington, through Virginia, North Carolina, South Carolina, Georgia and Alabama, to New Orleans, always visiting the rail roads in the different States. I then went up the Mississippi, and Ohio, and am now inspecting the internal improvements of the western States, and some of those in Pennsylvania, which I have not yet seen."

He further adds, "I have already passed over more than 2,000 miles of rail roads, and have every where been received with the greatest kindness; the presidents, directors, and engineers of the different rail road lines gave me not only all their printed reports, but laid before me, with the greatest liberality, their books and accounts, in order to give me every kind of information."

The result of that information has already been in part exhibited. How far it goes to prove the general proposition, that works of improvement operate beneficially, in advancing the prosperity of a country, and in adding to its resources, we leave for others to judge.

Again, what are the facts in relation to Great Britain? To show the estimate placed upon them there, and at the same time to present a most triumphant refutation of the charge, that works of internal improvement can never be a source of revenue, we make the following extract from the report of a select committee of this House and of which Mr. Lancaster of Wayne, was chairman.

"In Great Britain, whose canals are made by companies, we find

that although 107 are in operation, within her small country, costing over \$150,000,000, are coming into direct competition with the best McAdanized roads in the world; twenty-two, in 1831, sold in the market for upwards of one hundred per cent. above par, while many others brought over fifty—upon three of them, the annual revenue was over one hundred per cent. upon cost. Some of the most important of these canals, are in the immediate vicinity of rail ways, with which, to some extent, they come in competition. The Leeds and Liverpool canal is 130 miles long, overcoming an elevation of 841 feet by lockage, cost \$21,5000 per mile, and was worth at the time above alluded to, 305 per cent. above par—that is 405/ for 100/ paid. The Grand Junction canal is 93½ miles long, with 760 feet lockage, cost upwards of 95,000 per mile, and sold on the last of November, 1831, for 235/ for 100/ paid. The prices of canal stocks in England are the results of actual dividends made for a series of years. The Loughborough canal for the last ten years previous to 1831, divided 180/ per share per annum, of 100/ original cost. The Coventry canal, 50/ per share, and at the same time 10 out of 13 of their roads were above par. It is true, that the wealth and trade of Great Britain are infinitely in advance of ours, but it is no less true, that for her intelligence, wealth, and production, she is greatly indebted to her facilities for communication.

But to descend from generals to particulars. Having shown the triumphant results of works of internal improvement throughout the United States, taken as a whole, as well as in other countries, the minority would now direct the attention of the House to their effects upon the individual States. On this point let facts also speak.

By reference to the message of the Governor of Ohio, delivered to the 37th General Assembly of that State, December 4th, 1838, we find the following statement:

“The tolls received on the Ohio canal, for the fiscal year ending 15th November, 1838, is \$361,366 07—on the Miami canal for the same time, \$74,583 27, showing a gradual increase of our canal tolls over the last year of \$99,234 74, which gives us renewed evidence, that when the auxiliary works now in the progress of construction shall have been completed, and shall connect the mineral regions of the Muskingum and Hocking valleys with our main canals, and that of Pennsylvania at Pittsburgh, our people will be relieved from those burthens of taxation that were necessary to bring these great works into successful operation.”

“The increase in our canal tolls, with the high price received for our surplus production, growing out of the facilities of putting them into foreign markets, by means of our public improvements, go to prove the *wisdom* of those who founded our system of internal communication. Nothing could warrant us, in exacting from our people the high taxes now paid, but the confident belief, that they are fully remunerated in the increased prices, for the productions of our soil, and the decreased prices on our daily consumption.

Again, in his inaugural address of December 13th, '38, he says:

"Our internal improvement policy, adopted at an early period, and carried on with vigor, has contributed greatly to increase the wealth, population, commerce, manufactures, and general enterprize of the State, and develop all her natural resources. It is true, that we have more natural advantages for throwing off our surplus produce, than any other State in the great valley of the Mississippi, yet without those artificial means of internal communication, which are furnished by our roads, canals, and other improvements, much of our finest land, and a large portion of our mineral wealth would be of little value, owing to the difficulty in some cases, and the impossibility in others, of being able to transport to market the productions of the soil, or the wealth of the mines. We would not have been worthy of the lot in which Providence has placed us, if we had neglected to improve, by artificial means, the natural resources and advantages with which our State has been so highly favored.

Whatever diversity of opinion might have existed in the first place, as to the policy of entering into our internal improvement system, all now admit that it has done much for the State, and there are but few who will not concede, that to this one cause, more than any other, we are indebted for the unexampled growth and prosperity of our country."

The language of the message of the Governor of Pennsylvania, of 1839, is equally as cheering, and equally conclusive, as to the firm and settled belief of the different States, in the wisdom and policy of constructing works of internal improvement.

"It is with no ordinary feelings (says the Governor,) of State pride and satisfaction, that I express my firm confidence in the abundant means now possessed by the commonwealth, to pay her public debt, by the sale of the public improvements, in the construction of which that debt was mainly contracted, if such measure were deemed necessary or wise; and also my conviction, equally firm and gratifying, in the increasing value of her means to meet all future liabilities created by the entire completion of our system of improvements, if in the achievements of this great undertaking, we follow the dictates of prudence and experience." Again, the Governor, in his inaugural address of the same year, says: "This debt (meaning the State debt) it is true has been incurred in the prosecution of schemes of internal improvement, unparalleled in other days and States, which have tended to increase our trade and develop our resources, and it may perhaps be fairly assumed, that they have increased the value of the real estate within the common wealth to the amount of their cost."

But let us see how stands the case in relation to the State of New York.

In the "American Almanac and Repository of useful knowledge," published at Boston, and containing the most valuable statistical information, it is stated that "for six years, from 1833 to 1838, the revenue from the tolls of the canals in New York, after defraying all expenses of repairs, and paying interest on the whole amount of outstanding

debts, has yielded an average surplus of \$610,000 per annum. This surplus will sustain a debt of \$12,000,000, (see page 107.)

On page 224 of the same work it is stated, that "it was in the year 1826, that the tolls began to exceed the expenditure; and the whole debt for these canals, at the close of the year 1826, exclusive of the interest of that year, amounted to \$10,272,316 75. According to the computation of the comptroller, the surplus revenue had, in 1838, paid the interest of the debt, and reduced the amount of the debt to the sum of \$8,459,069 17," nearly two millions of dollars.

But we pass to still higher authority. The Governor of New York, in his message of '39, presents to the Legislature of that State the important facts embodied in the following extracts.

"The aggregate of tolls, including rents of surplus water, collected on the canals during the last year, was \$10,481,602 41. The cost of repairs and of the collection of tolls on all canals was \$639,714 23, which, deducted from the receipts, leaves the nett proceeds from tolls, for the year \$841,888 09. The cost of repairs and collection during the last year exceeds that of the previous year \$30,806 59. The nett revenues of the last fiscal year exceeds that of the preceding \$128,085 25.

What a triumphant answer to the bare assertion of the majority, that "it is believed that the public works in no one State, taken as a whole, have sustained themselves." It is true that the lateral canals of that State do not as yet fully meet the expenses of repairs, collection of tolls, and payment of interest on the debt contracted for their construction; but we find them gradually increasing in their tolls, and promising in a short time to become sources of revenue to the State.

By reference to the same message, it will be found, that the amount of tolls collected on those lateral canals for the year '38 exceeds the aggregate of the preceding fiscal year by \$12,979 58, and that the aggregate of tolls collected on all the canals for the same year exceeded the year preceding \$154821 51. In addition to this, this further fact will be found, that the tolls collected on all the canals during the season of navigation in the year '38, exceed those of the same season in '37 by the sum of \$297,555, or 23 per cent. Of this excess \$130,768 97 or 44 per cent., was upon ascending, and \$166,766 03, or 56 per cent., upon descending freight.. Immediately after the statement of these facts, the Governor adds, "this estimate is made upon data which may be assumed as substantially correct—although it is to be understood, as not precisely accurate. The comparison, while it demonstrates the severity of the pressure which has recently visited our State, not only furnishes cheering evidence of returning prosperity, but gives assurance of the continually increasing productiveness of our system of internal improvement."

We are informed too, in the same message, "that the present resources and credit of the State show the most ardent advocates of the system failed altogether to conceive the vast tribute which it has caused already to flow into the treasury"—that the whole amount borrow-

ed, for the construction of the public works in that state, was \$15,000,000, and that the balance of the debt at that time, was less than \$5,000,000.

The same facts are reiterated and proved beyond the possibility of contradiction, in the luminous report of Mr. Ruggles, chairman of the committee of ways and means to the Legislature of New York in '38. The minority find it there stated, "that the annual tolls of the canals which in 1826, were but \$762,167, had in the year of 1833, amounted to \$1,542,695, although the rates had been previously reduced nearly 20 per cent., and in the year 1835 to \$1,485,775, although again reduced about 15 per cent."

But this is not the only view of the case. The skillful statesman, in calculating the benefits resulting from works of this kind, confines his view not alone to those which are pecuniary in their character. He looks to the effect which they have upon every department of labor, the increase of population, the facilities of communication, and the resources they develop. He takes within his comprehensive glance, the entire change which they may effect in the whole face of the country, and how far they may add to the happiness and prosperity of the great mass of the people.

And here too, their results are well calculated to enlist every friend more strongly in their favor—to confirm the wavering, and dissipate the fears of the most timorous. He who can look to the rapid improvement of the State of New York, from 1817, the time when her system was first commenced, up to 1833, in all that adds to the wealth, power and greatness of a people, and doubt the expediency or wisdom of engaging in such improvements, must either be morbidly timorous, or else opposed to the best interests of his country.

Never was a more glowing, and at the same time a more true description given of any State's prosperity than that contained in the Message of the Governor of New York, before referred to, and that too, immediately after portraying the results of their system of Internal Improvement—"History furnishes no parallel to the financial achievements of this State. It surrendered its share in the natural domain, and relinquished, for the general welfare, all the revenues of its foreign commerce, equal generally to two thirds of the entire expenditure of the federal government. It has nevertheless sustained the expenses of its own administration, founded and endowed a broad system of education, charitable institutions for every class of the unfortunate, and a penitentiary establishment which is adopted as a model by civilized nations. It has increased four fold the wealth of its citizens and relieved them from direct taxation, and in addition to all this, has carried forward a stupendous enterprize of improvement, all the while diminishing its debt, magnifying its credit, and augmenting its resources.

The official valuation of the real and personal estate of that State, has swelled from the year of '26 to that of '35 from \$279,392,297 to \$528,576,379—"the productive property of the State from '17 to '37 has increased from \$2,973,617 to \$22,157,742—and the annual re-

venue from \$419,907 to \$1,413,846. We are informed too, "that during the same period, \$500,000 were expended upon public buildings—that the school and literature funds were doubled; the State tax discontinued, and the people relieved from burthen or expense in supporting the government." (See Ruggles Report page 21.)

If these are facts, and that they are no one can doubt, it certainly is an evidence of wisdom upon the part of the State to embark in works of improvement. But was the mammoth bill of '36 a wise measure, seems to be the question upon the part of the majority.

How are we to judge? By its benefits? This cannot be done, for the plain and simple reason, that it is not as yet in full operation. By analogy? Then let the facts as presented in the reports, speak for themselves. The system in itself was perfectly harmless, and there is no reasoning based upon actual experience, can prove that it was either a wise or an unwise measure. If it were in the "full tide of successful operation"—if we actually knew to what extent it would increase the surplus productions of our soil—how much it would reduce the indirect taxation, which the farmer and mechanic pay upon their salt and iron? what increase there would be, upon the price of our exports, by giving a wider range to our markets?—then, indeed, the question might be answered with but little difficulty.

The error, in the opinion of the minority, consisted not in the projection, but in carrying out the system. And yet, even for this error, there is to be found a strong apology in the fact, that all who were interested in the works, urged their claims for lettings upon that portion of the same, which passed through their immediate neighborhood. It was a season, too, of unparalleled prosperity. The march of every thing was onward, and no human wisdom could have foreseen the shade which has since come over the then brightening prospects of our glorious Union. The commerce of the world was healthy—the avenues of trade were open and unobstructed—enterprise was on the wing, and every heart filled with glowing anticipations of the future. Not a single cloud obscured the brightness of our sky—nor had we any "premonitory symptoms," of the whirlwind which has since passed through our land. We were deceived by the signs of the times, and attempted more than we now feel ourselves able to accomplish. It was a season, like that we have stated, that the system had its projection and its commencement. Is it to be wondered, in the ardent enthusiasm which then prevailed—when every thing looked bright and flattering, that this error should have been made? The minority think not. Had the works been commenced at one or the other of their terminating points, it would have been far better for the State, for the people, and for the system. Then, if at any time, (as is now the case,) she had found herself, unable to prosecute the system according to the original intention of its framers, she might have taken up some one or two of the works, prosecuted them to completion, and thus continued until all should have been finished. In the mean time those works that had been progressed in but a short distance, might have been yielding sufficient to have kept them in repair, besides the

facilities which they would have afforded to the people living in the section of country through which they passed. The system is now upon us, and in the opinion of the minority, it is perfect folly to discuss the question, whether its projectors acted wisely or unwisely. It is for this and succeeding Legislatures, so to manage it, as to render it beneficial to the people—to correct what ever errors there may exist in its management—to preserve the faith and credit of the State inviolate, and her escutcheon from every stain of dishonor.

There is another view of the case, which the minority, from the views entertained by many in relation to our present system of internal improvements, feel themselves called upon to present to the House, and through it to the people.

Upon examination, it will be found that the White Water Canal passes through a country nearly, if not precisely similar, to that in which the Miami canal, in Ohio, is located. From the reports in relation to that work, the minority find that the revenue arising therefrom already nets 4 per cent. on the capital invested, and that the tolls are annually increasing. The country through which the White Water Canal passes being equally as fertile and populous as that of the Miami country, it is fair to presume, reasoning from analogy, that the White Water Canal will be productive, even in a pecuniary point of view.

The facts too, in relation to the Madison and Indianapolis rail road are equally cheering and equally as encouraging. By various reports before the House, we learn, first, that 20 miles of that road are now in operation, and that for six months, from the 1st of April to the 1st of October last, the length of time it has been in operation, the amount of tolls received is \$8,470 52. By a careful examination of the same reports, it will be further ascertained, that the aggregate cost for repairs on said 20 miles, will not exceed \$8,880 per annum. Take the one half of this, \$4,440 for repairs, during the six months, and we discover that the tolls during the same time have nearly doubled the cost of repairs. The minority are aware, that a different impression has been attempted to be made, in relation to this road, by stating, that whilst the tolls have been but \$8,470 52, the expenses have been 86,800 dollars. From reports on this subject, however, it will be discovered that a large proportion of this money was expended in completing the road from Graham's Creek to Vernon, which was stated in the Governor's message (through mistake no doubt,) to have been completed on the 3rd December 1838, when in fact it was not in operation until the June following. All these facts, however, will be ascertained by a careful examination of the reports on this subject.

And who is there can calculate the benefits, both pecuniary and otherwise, of the Wabash and Erie, canal, when it shall have been completed—when through this medium the waters of the south shall be connected with those of the north; and the cities of the north, east, and south shall become the markets for the surplus productions of the exceedingly fertile country through which it passes. If we add to

this, its connexion with the works projected in the State of Illinois, we have the whole bosom of the West, yielding its tribute to this great thoroughfare. The inexhaustible beds of coal, which are situated along the line of that canal, in connexion with the vast amount of surplus produce which the country through which it passes must eventually yield, would of themselves render that work invaluable to the State. But when we take into the account that it is to be the great channel of communication for other States, how greatly must its value and its importance be increased. Add to this the fact too, that like the Erie and Champlain canals of New York, it has a fund of its own, generously granted by the general government to aid in its construction, as far as the mouth of Tippecanoe river, and that it is confidently expected that Congress, at its present session, will confirm the selection of lands lately made by the Governor, for its further prosecution to Terre Haute, and then compare this work with the Erie and Champlain canals, of New York, which also, as is stated, had a fund to aid in their construction, and the balance of our works, to the lateral canals of the same State—then look at the results of the works in New York, and have we any reason to despair? It may be further necessary here to state, that of the \$7,870,000, borrowed for internal improvement purposes, \$1,727,000 is for the benefit of the Wabash and Erie canal, to meet the interest on which, and for its final liquidation, there are ample means provided in the lands donated by the general government, to aid in the prosecution of that work.

But still further: suppose it be true, as contended by some, that works of internal improvement do nothing more than keep themselves moving; and suppose further, that the system of '36, for its final completion would cost the sum of \$27,000,000. This amount at five per cent. interest, would require to be raised by taxation, (if there were no other means provided,) the sum of \$1,350,000 per annum, in order to meet the accruing interest. Now the question presents itself, would it not be better for the people to pay by direct taxation the aforesaid sum of \$1,350,000, than to pay by indirect taxation, twice, if not three times that amount.

To illustrate this, take for example the single article of salt. The population of this State is now about 700,000 souls; allowing seven persons to a family, there would be in the State 100,000 families; each family, upon an average, would consume per annum, one barrel of salt, and each barrel contains about six bushels. According to this estimate, then, it would require 600,000 bushels of salt each year, to supply the different families throughout the State. If we compare the price of salt on the Ohio river, with that in the interior and western part of the State, we will find the average difference in price to be at least sixty-two cents. For whilst salt is selling on the Ohio river at fifty cents per bushel, it ranges from \$1 25 to \$1 50 in the interior.

If the system of internal improvements were completed, the increased price on each bushel, in conveying it from the Ohio river, to the different portions of the State would not be more than twelve cents, thus

making the price per bushel, to be, instead of what it now is, but six-two cents. What, then, would be the effect? Instead of our salt costing us what it now does, at the average rate of \$1 12½ per bushel or \$675,000 for the 600,000 bushels, it would cost us on an average but 62½ cents per bushel or \$375,000 for the gross amount. Here then, is a difference of \$300,000. Deduct from this, however, for the probable amount sold in the counties along the Ohio river, the sum of \$100,000, and we have a clear gain in the single article of salt of \$200,000. Suppose we were to make a similar calculation, in relation to the saving there would be on iron, groceries, and merchandise of all descriptions, what, we ask, would be the result? Now turn the attention for a single moment to another effect which this system must produce. It is a settled principle in political economy, and sanctioned by common sense, that the value of an article is always in proportion to the demand for its use. A person wishing to sell a horse, will always receive a higher price for him where there are several instead of one, who may wish to purchase, and so it is in relation to every other article. One of the objects of the system, then, as we understand it, is to open up to our citizens a greater number of markets, thereby presenting an opportunity of receiving an increased price for the surplus product of their labor. The minority would, for a single instant, advert to the increase of our State, in wealth and population, since the year of '36, the point from which some date the commencement of all our evils. By reference to the Auditor's reports it will be found, that our polls have increased from '36 to '39 from 75,318 to 95,291, and our taxable property during the same period, from 78,589,061 dollars to 107,037,715 dollars. Does this prove that the tide of immigration has ceased to pour its healthful and vivifying waters over our land, or that we are bankrupt in wealth, as well as character? But suspend operations upon the works entirely, and we venture to predict, that the decreased valuation of our property, for the coming year will be very nearly, if not quite, 50 per cent., that every thing will be lifeless and inactive; and then, if ever, we shall feel a difference between "Indiana as she was, and Indiana as she is."

We now ask this body, and through it the people, to reflect on these things, and then decide in relation to the system of '36—decide, whether it has been the cause of the gloom which at present hangs like a cloud over our land, or tended in the least to check Indiana in her onward career of glory.

In connexion with this, there are other questions of equal moment, and of equal importance, to decide. Shall the system remain, as it has been placed by a solemn act of this legislature? Is the cheering hope, which once animated the bosom of every son of Indiana, as to her proud and glorious destiny, to be nipped in its opening bloom? Shall the six million of dollars already expended upon the public works, remain forever a dead capital, or shall we, by adding more, render it productive? To stop now, is ruin—to persevere, a glorious and triumphant issue may be expected. The history of the world proves that the voice of opposition has been raised to every noble and stupen-

dous undertaking. In the perilous days of the revolution, when the hope of liberty nerved the arm of every patriot, there were not wanting those, who looked upon that struggle for freedom, as hopeless. They, too, said it was madness. But the brave hearts of our fathers never quailed in the midst of the dangers which surrounded them, and we this day are enjoying the happiness secured to us, by many an ensanguined battle field. The history of every State, in relation to internal improvement, is the same with our own. In New York, Pennsylvania, and Ohio, the current of opposition was strong, and for a season, almost overpowering. They too, had their hours of darkness and gloom, and in those seasons, the fears of their people were alike appealed to, and their difficulty and distress attributed to their herculean undertakings. But these things are now remembered only as "curious portions of their intellectual history," whilst their railroads and canals stand as eternal monuments of the wisdom of their projectors, and the triumph of daring enterprize, not only over the "barriers of nature, but the still more formidable obstacles of prejudice, incredulity, and error."

Then let the march of Indiana be onward; let all her energies be brought to bear upon her noble enterprize, and future years will demonstrate the wisdom of her course. In the completion of her system, she will reap in the development of her resources—the increase of her population—the wealth of her citizens—the resources of her treasury, and the extent of her commerce, a rich harvest for her labor. Then shall her waste places be built up and her "deserts bloom as the rose." Then shall her citizens be on the high road to wealth—her credit good—her treasury full, and she be, indeed and in fact, the "giant queen of the west."

JAMES P. CARLETON,
SYLVANUS EVERTS.

INDIANAPOLIS, 18th FEBRUARY, 1840.

JAMES P. CARLETON, Esq.,

Member of the committee on canals and internal improvements.

DEAR SIR:—Having been requested by yourself to explain the discrepancy between my report to the legislature of 31st December last, and the report of the majority of the committee on canals and internal improvements of the 12th inst., in regard to the cost of superinten-

dence and contingences, I submit the following statement. It is proper to remark, however, that this statement is not made from any original data in my office, but from official statements in the printed report of the Auditor, made to the legislature and to the committee, during the present session, which documents are evidently the same that are referred to in the report of the majority, as the basis of their statement.

The whole amount paid on all the works up to the 31st October, 1839, as it appears by the Auditor's annual report, together with the Auditor's statement of the amount paid last year, attached [to the report of the majority, is \$6,129,082 50. Now, to ascertain the amount paid for *contingencies*, the majority report states the amount paid for *construction* at \$4,255,488 08, and deducting it from the total, infer that the balance must be *contingencies*; which would be just, if the amount paid for construction had been correctly stated—but it appears that it has not.

By the documents before referred to there

appears to have been paid for <i>construction</i> on the Wabash and Erie canal per Auditor's annual report	1,383,482 42	
Wabash and Erie canal per Auditor's statement up to 31st Oct. 1839	225,174 60	
	<hr/>	1,608,657 02
Central canal per Auditor's annual report,	1,171 99	
"	219,508 71	
"	176,954 26	
"	91,489	
"	116,408 50	
"	<hr/>	
	605,532 47	
Deduct—refunded	500	
	<hr/>	
	605,032 47	
Central canal last year per Auditor's statement	180,741 49	
"	81,075 41	
"	116,075 66	
	<hr/>	
		982,925 03
Wabash canal, per Auditor's annual report	4,537	
"	75,930 90	
"	91,052 86	
Wabash canal per Auditor's statement	15,686	
"	74,509 48	
	<hr/>	261,716 24

Cross-Cut canal, per Auditor's annual report	72,819 70	
"	149,705 72	
		222,525 42
White W. canal, per Auditor's annual rep.	217,043 06	
"	302,284 24	
White W. canal, per Auditor's statement	127,981 86	
"	144,053 51	101,367 67
Erie and Michigan canal, per Auditor's statement	-	34,589 27
Madison R. R. per Auditor's annual report	7,785	
"	337,905 94	
"	470,697 40	
Rail road iron	123,683 74	
Locomotive	6,500	
Madison R. R. per Auditor's statement	56,476 95	
"	56,590 12	
		1,059,639 15
Indianapolis and Lafayette road, per Auditor's statement	4,616	
"	30,480 19	
		35,096 19
Jeffersonville and Crawfordsville road, per Auditor's annual report	83,085 30	
"	48,085 40	
per Auditor's statement	23,095	
"	32,185	
	49,271 07	
		235,721 77
Vincennes road, per Auditor's annual rep't	160,447 57	
"	114,188 10	
per Auditor's statement	38,968 30	
"	93,570 77	
		407,174 74
Grand Rapids, per Auditor's annual report	4,093	
per Auditor's statement	1,465	5,558

Total amount paid for *construction* as it appears by the documents from the Auditor - \$5,644,970 50

Taking the total amount paid for construction and contingencies, as stated above, at \$6,129,082 50, (which agrees exactly with the report of the majority of the committee.) and deducting therefrom the true amount paid for construction according to the Auditor's documents as above shown, amounting to \$5,644,870 50, and it will leave \$384,112, as the total paid for contingencies, instead of \$1,863,594 42,

as stated in page 10 of the report from the majority of the committee.

This expenditure of \$484,112 for contingencies includes not only the superintendence of the works, but also the payments for right of way, for land, for water power, as well as all other expenses of this nature, other than the payments to contractors; it also includes a considerable sum expended for repairs; and for the preliminary surveys of 1834 '35, and for locating works and parts of works not yet commenced, and which is therefore not chargeable to the construction already performed. If the proper deductions on this account were made, the amount of contingencies properly chargeable to the work already done, would be equal to about 5 or 6 per cent. on the amount of the construction, instead of 44 per cent. as stated in the report of the majority of the committee.

In estimating the cost of public works, it is customary to add from 4 to 8 per cent. on the total cost of construction, to cover the cost of superintendence salaries, &c.; the per centum being greater on light than on heavy work. An experience of 14 years in the construction of public works authorizes me to say, that these rates are sufficient.

Very respectfully,
J. L. WILLIAMS.

Mr. Burke moved that the report be laid upon the table, and 2000 copies be printed.

Mr. Bennett moved to amend the motion to print, by adding the following, to wit:

"Stitched, and with the report of the majority, furnished to members of this House on Friday next;

On the question, Shall the motion to print, as amended, be adopted?

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Allison, Arnold, Atherton, Bakér, Beckett, Bell, Bennett, Berkshire, Buckles, Burke, Butler, Campbell, Carleton of F., Clark, Coats, Cogswell, Cooper, Cox, Cutter, Davis, Dunn, Eccles, Everts, Farley, Finch, Fitch, Flint, Foster, Frisbie, Gardner, Haddon, Hamer, Hamblen, Hull, Hunt of J., Hunt of R., Jackson, Jenckes, Johnson, Judah, Lancaster, Lee, Long, McCormack, McGaughey, Miller, Milroy, Monroe, Montgomery, Moore of O., Morgan, Morrison, Nelson of B., Nelson of M., O'Neill, Osborn of C., Osborn of F., Osborn of U., Parker, Perry, Porter, Rippey, Robinson of J., Robinson of Ripley, Robinson of Rush, Rush, Sands, Shiveley, Southard, Spann, Thompson, Warriner, Wilson of M., Woodard, Worster, Zenor and Mr. Speaker—78.

Those who voted in the negative were:

Messrs. Bowles, Carlton of L., Edmonson, English, Garrigus, Henley, Jones, Stewart, and White—10.

So said motion, as amended, was decided in the affirmative.

Mr. Parker presented the petition of sundry citizens of Cass county, complaining of the want of capacity in the present Legislature, and that, on the score of economy, and in consequence of the financial embarrassments of the State, both houses should forthwith adjourn.

Mr. Henley moved that one thousand copies of said petition be printed.

Mr. Robinson of J. moved to amend the motion to print, by adding the several letters received on the same subject, by different members of the Legislature.

Mr. Bowles moved that the petition be laid upon the table;

Which motion was decided in the affirmative.

On motion,

The House adjourned until two o'clock, P. M.

Two o'clock P. M.

The House met pursuant to adjournment.

Mr. Frisbie, on leave granted, made the following report:

MR. SPEAKER—

The select committee to whom was referred a bill of the House, No. 236, have had the same under consideration, and directed to strike out said bill from the enacting clause, and insert in lieu thereof an amendment as a substitute for said bill;

Which amendment was concurred in by the House.

The said bill, to wit:

No. 296, a bill to establish a certain State road therein named; was,

On motion of Mr. Bowles,

Laid upon the table, and ordered to be embodied in the general road law.

Mr. Bowles moved that the revenue bill be taken up and committed to a committee of the whole House for the present time;

Which motion was decided in the affirmative.

The House, according to order, resolved itself into a committee of the whole, on said bill, Mr. Butler in the chair, and after some time

spent therein, the committee rose, the chairman reported progress, and asked leave to sit again.

On the question, Shall the committee have leave to sit again? it was decided in the negative.

Mr. Morgan asked leave of absence for Mr. Wheeler, during the remainder of the session;

Which leave was granted by the House.

Mr. Morrison made the following report:

MR. SPEAKER—

The joint committee on enrolled bills report that they have compared the engrossed with the enrolled bills and joint resolution of the following titles, viz:

BILL OF THE HOUSE.

No. 96, an act to incorporate the Greensburgh and Vernon turnpike company.

BILL OF THE SENATE.

No. 155, an act in relation to such writs, &c. as may have issued or shall issue from the clerks of the circuit courts in Laporte, Porter and Lake counties.

JOINT RESOLUTION OF THE SENATE.

No. 85, a joint resolution for the benefit of Gibson and Dubois counties.

BILL OF THE HOUSE.

No. 121, an act to amend an act entitled "an act to incorporate the Indiana Mutual Fire Insurance company," approved January 30th, 1837.

BILL OF THE SENATE.

No. 128, an act amendatory to an act entitled an act incorporating Congressional townships and providing for public schools therein, approved February 17th, 1838,

And find the same truly enrolled;

Whereupon,

The Speaker signed said bills.

Ordered, That the clerk carry them to the Senate for the signature of their President,

Mr. Morrison made the following report:

MR. SPEAKER—

The joint committee on enrolled bills report that they have this day presented to the Governor for his approval and signature, bills which originated in the House of Representatives, of the following titles viz:

No. 195, an act to incorporate the Wabash Fire Company;

No. 250, an act to repeal an act entitled "an act to locate a State road from New Albany, in Floyd county, to Charlestown in Clarke county;"

No. 146, an act to encourage the raising of sheep and hogs, and to increase the revenue of the State, and the wealth of the people;

No. 140, an act authorizing Daniel M. Ingersoll and James Jessup to build a mill dam across Eel river in Green county;

No. 135, an act to authorize the circuit court of the county of Cass to change the venue in a certain case therein named;

No. 133, an act to amend an act entitled "an act to incorporate the town of Vevay," approved January 30th, 1836;

No. 101, an act to locate a State road therein named;

No. 8*, an act to enlarge the powers of Probate courts in Marion county in a certain case therein named;

No. 64, an act to amend an act entitled "an act for the protection of the Madison and Indianapolis rail road," approved February 14th, 1839;

No. 62, an act to amend an act entitled "an act providing for a more uniform mode of doing township business in the several counties therein named," approved February 17th, 1838;

No. 7, an act prescribing an uniform mode of ascertaining by weight the quantity of the different kinds of grain that shall pass for a bushel in this State.

A message from the Governor by Mr. Moore, his private Secretary:

MR. SPEAKER—

I am directed by the Governor to inform the House of Representatives that on Saturday last he approved and signed bills which originated in the House of Representatives entitled acts as follows, to wit:

"An act for the relief of Peter Massey;"

"An act to change the time of holding courts in the several counties of the eleventh judicial circuit;"

"An act to provide for the summoning and empanneling jurors in the county of Delaware;"

"An act declaring Main Flat Rock and Big Blue River public high ways in the counties of Henry and Shelby;"

"An act to provide for the reappraisal of school sections in Lake and Owen counties;"

"An act declaring a misprint and for other purposes;"

"An act changing the time of holding commissioners courts in the county of Floyd;"

"An act to amend an act entitled "an act to regulate the mode of doing county business in the several counties of this State," approved February 17th, 1838;"

"An act for the relief of the collector of the county of Orange;"

"An act to amend an act entitled an act to incorporate the Mayor and common council of the town of Delphi;"

"An act relative to the purchase of a fire engine in the town of Jeffersonville;"

"An act to incorporate the Anderson bridge company;"

"An act to incorporate the Point Commerce Manufacturing and Trading Company, and for other purposes;"

"An act to provide for the crection of two bridges in the county of Orange, and for other purposes;"

"An act to authorize the election of an additional justice of the peace in the township of Orange, Noble county;"

"An act to provide for a more uniform mode of doing township business in the county of Cass;"

"An act to amend an act entitled "an act to incorporate the Lawrenceburgh bridge company," approved January 24th, 1839;"

"An act to incorporate the trustees of the Walnut bridge cemetry;"

"Charter for the Evansville Rifle Rangers;"

"An act for the relief of the widow, heirs and administrator of William Watts, deceased;"

"An act to legalize the proceedings of certain justices of the peace in Clay county, and for other purposes;"

"An act to provide for the election of an additional justice of the peace and constable for Morgan township in the county of Marion;"

"An act to legalize certain proceedings of the Board doing county business for Wabash county;"

"An act to incorporate the Washington Band of Musicians;"

"An act to incorporate the town of Noblesville in the county of Hamilton, Indiana;"

"An act to provide for the election of a justice of the peace in Alquina, Fayette county;"

"An act to authorize certain individuals therein named to build a toll bridge across the Kankakee river at Sherwood's ferry in Porter county;"

"An act to make allowances to supervisors for extra services in the county of Boone;"

"An act to authorize the removal of the obstructions to the free passage of the water down Little Blue river in Rush and Shelby counties;" and,

A joint resolution, entitled "a joint resolution relative to the two White Rivers in Indiana;"

Mr. Henley moved that the resolution of the House, on the subject of an adjournment *sine die*, of the present General Assembly be taken up;

Which motion was decided in the affirmative.

On motion,

The House adjourned until to-morrow morning at nine o'clock.

TUESDAY MORNING, FEBRUARY 18, 1840.

House met pursuant to adjournment.

On motion,

The rule was suspended, and the House proceeded to the consideration of bills, &c. on their third reading.

No. 25, a bill of the Senate, in relation to the State House and for other purposes;

No. 52, a bill of the Senate, defining the boundaries of Jay county;

A memorial and joint resolution to the Congress of the United States, on the subject of the Cumberland road;

No. 112, a bill of the Senate, to incorporate the Spencer county working men's institute;

No. 133, a bill for the relief of Eldred Huff, collector of Hendricks county;

No. 136, a bill of the Senate, in relation to lands within the chartered limits of the city of New Albany, and solely used for farming and woodland purposes;

No. 148, a bill to amend the several acts for the promotion of schools and education in Clark's grant, and in reference to the school fund in Clark county;

Were severally read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 208, a bill to amend an act entitled an act relative to crime and punishment;

Was read a third time.

Mr. Southard moved that the bill be laid upon the table.

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Allison, Arnold, Baker, Bennett, Bowles, But-

ler, Clark, Coats, Cutter, Davis, Edmonson, English, Frisbie, Garrigus, Gardner, Haddon, Hamblen, Henley, Lanus, Lee, Long, McCormack, Moore of O., Moore of V., Nelson of B., Osborn of U., Porter, Southard, Spann, Stewart, and Zenor—33.

Those who voted in the negative were:

Messrs. Atherton, Berkshire, Buckles, Burke, Campbell, Cogswell, Cooper, Cox, Dunn, Eccles, Farley, Finch, Fitch, Flint, Hamer, Hull, Hunt of J., Jackson, Jenckes, Jones, Judah, Lane, Lancaster, Miller, Milroy, Monroe, Montgomery, Morgan, Morrison, Nelson of M., O'Neill, Osborn of C., Osborn of F., Parker, Perry, Perviance, Rippey, Robinson of J., Robinson of Ripley, Robinson of Rush, Rush, Shiveley, Thompson, Warriner, White, Wilson of M., Woodard, Worster, and Mr. Speaker—49.

So said bill was not laid upon the table.

On the question, Shall the bill pass? it was decided in the affirmative.

Mr. Jones moved to recommit the bill to a select committee, with instructions to add to the fourth section, the following: "That nothing in this section shall be so construed, as to interfere with racing on recognized tracks."

Mr. Bell moved to amend the instructions as follows: "Strike out that part which provides that persons convicted of perjury, may be punished by imprisonment in the county jail;"

Which amendment was adopted.

On the question, Shall the bill be committed with said instructions? it was decided in the negative.

Mr. Herriman moved to recommit the bill with instructions, that nothing in this act shall be so construed, as to consider a pace or trot horse-racing;

Which motion did not prevail.

On the question, Shall said bill pass?

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Atherton, Bell, Berkshire, Buckles, Burke, Campbell, Clark, Cogswell, Cooper, Cox, Dunn, Everts, Farley, Finch, Fitch, Flint, Foster, Garrigus, Hamer, Hamblen, Henley, Hull, Hunt of J., Hunt of R., Jackson, Jenckes, Jones, Judah, Lane, Lancaster, Milroy, Morgan, Nelson of B., Nelson of M., O'Neill, Parker, Perry, Rippey, Robinson of Ripley, Robinson of J., Rush, Shiveley, Thompson, Warriner, Wilson of M., Woodard, Worster, and Mr. Speaker—48.

Those who voted in the negative were:

Messrs. Albertson, Allison, Arnold, Baker, Bennett, Bowles, Butler, Carlton of L., Cutter, Davis, Edmonson, English, Frisbie, Haddon, Herriman, Lee, Long, McCormack, Miller, Monroe, Montgomery, Moore of O., Moore of V., Morrison, Osborn of C., Osborn of F., Osborn of U., Porter, Robinson of Rush, Sands, Southard, Spann, Stewart, White, and Zenor—35.

So said bill passed.

Ordered, That the clerk inform the Senate thereof.

No. 275, a bill of the House, for the relief of borrowers from the sinking fund and surplus revenue;

Was read a third time; when

Mr. Hull moved to recommit the bill to a select committee,

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Arnold, Carlton of L., Clark, Coats, Cutter, Davis, Eccles, English, Farley, Foster, Garrigus, Haddon, Hamblen, Henley, Herriman, Hull, Hunt of J., Lane, Lanius, McGaughey, Montgomery, Morrison, Nelson of M., Osborn of U., Perry, Porter, Robinson of J., Sands, Spann, Warriner, White, Zenor, and Mr. Speaker—34.

Those who voted in the negative were:

Messrs. Atherton, Baker, Bell, Bennett, Berkshire, Buckles, Burke, Butler, Campbell, Cogswell, Cooper, Cox, Dunn, Edmonson, Everts, Finch, Fitch, Flint, Frisbie, Hamer, Hunt of R., Jackson, Jenckes, Johnson, Jones, Judah, Lancaster, Lee, Long, McCormack, Miller, Milroy, Monroe, Moore of O., Morgan, Nelson of B., O'Neill, Osborn of C., Osborn of F., Parker, Perviance, Rippey, Robinson of Ripley, Robinson of Rush, Rush, Shiveley, Southard, Thompson, Wilson of M., and Worster—50.

So said bill was not recommitted.

Mr. Coats moved that the bill be laid upon the table,

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Allison, Arnold, Bell, Coats, Cutter, Davis, Everts, Farley, Haddon, Henley, Herriman, Hull, Hunt of J., Jenckes, Lanius, McGaughey, Osborn of U., Robinson of J., Sands, Spann, Warriner, White, Woodard, Zenor, and Mr. Speaker—26.

Those who voted in the negative were:

Messrs. Atherton, Baker, Bennett, Berkshire, Bowles, Buckles, Burke, Butler, Campbell, Carlton of L., Clark, Cogswell, Cooper, Cox, Dunn, Eccles, Edmonson, English, Finch, Fitch, Foster, Frisbie, Garrigus, Hamer, Hamblen, Hunt of R., Jackson, Jones, Judah, Lancaster, Long, McCormack, Miller, Milroy, Monroe, Montgomery, Moore of O., Morgan, Morrison, Nelson of B., Nelson of M., O'Neill, Osborn of C., Osborn of F., Parker, Perry, Perviance, Porter, Rippey, Robinson of Ripley, Robinson of Rush, Rush, Shively, Southard, Stewart, Thompson, Wilson of M., and Worster—58.

So said bill was not laid upon the table.

Mr. Cutter moved to recommit the bill to a select committee, with instructions to strike out eight per cent., and insert "ten per cent.;" when

Mr. Finch moved the previous question, which motion being seconded by a majority of the House,

The question was put, Shall the main question be now put? it was decided in the affirmative.

The main question, to wit: Shall the bill pass?

The ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Arnold, Atherton, Baker, Bennett, Berkshire, Bowles, Buckles, Burke, Butler, Campbell, Cogswell, Cooper, Cox, Dunn, Eccles, Edmonson, English, Everts, Finch, Fitch, Foster, Frisbie, Garrigus, Hamer, Hamblen, Hunt of J., Hunt of R., Jackson, Johnson, Jones, Judah, Lancaster, Lee, Long, McCormack, Miller, Milroy, Montgomery, Moore of O., Morgan, Nelson of B., Nelson of M., O'Neill, Osborn of C., Osborn of F., Perry, Perviance, Rippey, Robinson of Ripley, Robinson of Rush, Rush, Shiveley, Southard, Stewart, Thompson, and Worster—56.

Those who voted in the negative were:

Messrs. Albertson, Allison, Bell, Carlton of L., Clark, Coats, Cutter, Davis, Farley, Haddon, Herriman, Hull, Jenckes, Lane, Lanius, McGaughey, Monroe, Morrison, Osborn of U., Parker, Robinson of J., Sands, Spann, Warriner, White, Wilson of M., Woodard, Zenor, and Mr. Speaker—29.

So said bill passed.

Ordered, That the clerk inform the Senate thereof,

The Speaker laid before the House, a communication from Samuel Merrill, commissioner of the sinking fund, transmitting a list of borrowers of the sinking fund, setting forth the date of the loan, the amount and residue of the borrower, &c.

Mr. Lane moved that 200 copies of said communication and list of borrowers, &c. be printed for the use of the House;

Which motion was decided in the affirmative.

No. 260, a bill of the House, to amend an act for the prevention of frauds and perjuries;

Was read a third time; when

Mr. Bowles moved to lay the bill upon the table;

Which motion was decided in the affirmative.

No. 290, a bill of the House, to incorporate the Indiana Iron Manufacturing Company;

No. 289, a bill of the House, to amend an act entitled "an act to organize Probate courts and defining the powers and duties of executors, administrators and guardians;

No. 307, a bill of the House, to amend an act entitled "an act to provide for a more uniform mode of doing township business, in the several counties therein named," approved February 17, 1838;

No. 312, a bill to authorize John Ashby to build a mill dam across the Maumee river;

No. 316, a bill to incorporate the Cass Guards;

No. 342, a bill dissolving the bands of matrimony between Josiah Gentry and Elizabeth Gentry;

No. 343, a bill to incorporate the Crawfordsville Female Institute;

Were severally read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 322, a bill to equalize the payment of taxes for improvement purposes, to the stockholders of the Richmond and Brookville canal, with other citizens of the State;

Was read a third time; when

Mr. Henley moved that the bill be indefinitely postponed,

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Arnold, Berkshire, Bowles, Buckles, Carlton of L., Clark, Cooper, Davis, Dunn, Eccles, Edmonson, English, Farley, Frisbie, Garrigus, Haddon, Hamer, Hamblen, Henley, Herriman, Hunt of J., Jones, Lane, Lanius, Lee, Miller, Monroe, Moore of O., Morrison, Nelson of B., Nelson of M., Perry, Porter, Rippey, Sands, Shiveley, Southard, Stewart, Warriner, White, Zenor, and Mr. Speaker
—43.

Those who voted in the negative were:

Messrs. Atherton, Baker, Bennett, Burke, Butler, Carleton of F., Coats, Everts, Finch, Foster, Hull, Hunt of R., Jackson, Jenckes, Judah, Lancaster, Long, McGaughey, Montgomery, Morgan, O'Neill-Osborn of F., Osborn of U., Parker, Perviance, Robinson of J., Rob

inson of Ripley, Robinson of Rush, Spann, Thompson, and Wilson of M.,--32.

So said bill was indefinitely postponed.

No. 310, a bill to provide for the sale of the Michigan road lands remaining unsold and for other purposes;

Was read a third time, when

Mr. Johnson moved that the bill be recommitted to a select committee;

Which motion was decided in the affirmative.

Mr. Henley moved to instruct the committee to insert the following as a part of the bill, to wit:

"Sec. That two hundred and fifty dollars heretofore allowed to Phebe Clymer, shall be refunded to the State Treasury, out of the proceeds of said sales;"

Which was adopted.

Mr. Fitch moved further to instruct the committee, as follows, to wit: After "Treasurer of State," strike out three lines to "White river bridge," and insert "from which it is hereby made the duty of said treasurer to pay so much as he may find due, with interest, to the contractor (A. Wilson) of the White river bridge; and the balance, if any," &c.;

Which motion was decided in the affirmative.

Mr. Garrigus moved further to instruct the committee, to strike out the name of Spear S. Tipton;

Which motion was decided in the affirmative.

Messrs. Johnson, Fitch, and Garrigus were appointed said committee.

On motion,

The House adjourned until two o'clock, P. M.

Two o'clock, P. M.

The House met pursuant to adjournment.

Mr. Osborn of Clay, the rule being suspended, made the following report:

MR. SPEAKER—

The select committee to whom was referred the petitions of sundry citizens of Owen and Clay counties, and the remonstrance of twenty-one citizens of Clay county, on the subject of attaching part of Owen county to Clay, have had the same under consideration and a majority of the said committee have authorized me to report a bill accordance with the prayer of the petitioners, to wit:

No. 349, a bill to alter the boundary lines of the counties of Clay and Owen,

Which was read a first and second times—the rule being dispensed with—and,

On motion,

Referred to the committee on the judiciary.

Mr. Stewart, on leave introduced

No. 350, a bill for the purpose of defining the boundary line between the counties of Clark and Floyd;

Which was read a first, second and third times and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Lane made the following report:

MR. SPEAKER—

The committee on canals and internal improvements, to whom was referred the petition of Edward G. Fitch on the subject of the Union Carriage,

REPORT:

That the object of the petitioner is to obtain *aid* from the State, to assist him in the construction of his carriage with a view of shewing its superiority over the common wagon or carriage, upon a common road, by the application of horse or steam power. For the description and advantages of the one over the other, the committee annex the simple but plain statement written by and in the language of Mr. Fitch himself.

Here follows Mr. Fitch's description of his invention.

The committee reported the following joint resolution, to wit:

No. 351, a joint resolution in relation to the Union carriage of Edward G. Fitch;

Which was read a first time and passed to a second reading.

Mr. Cooper, from the committee of ways and means, made the following report:

MR. SPEAKER—

The committee of ways and means, to whom was referred sundry petitions from the citizens of Clark, Washington, and other counties, praying a repeal of the law regulating the retailing of ardent spirits, have had that subject under consideration and have directed me to

REPORT:

That they deem it unwise to legislate on that subject at present; but the committee are well apprised of the many evils that result both to

the prosperity and happiness of society, and also to individuals and families; but the question for the committee to determine is, whether a repeal of the law regulating the retailing of spirituous liquors would be a preventive or a modification of the many evils which result to the happiness of mankind, by the excessive use of ardent spirits. It is immaterial where the individual pours down his throat the obnoxious draught, whether it is in the tippling house, in the public highway, or at his own fireside, the evil is the same. But it is true when the committee examines the law that was first enacted in America licensing persons to sell ardent spirits, it was upon the supposition or belief that alcohol was useful as a beverage: hence to a certain number was granted the exclusive privilege of retailing spirituous liquors, while the common people were prohibited under severe penalties, and this is somewhat the principle of our present statute law. It is a privilege to those that get a license to vend spirituous liquors; they have then a privilege over and above the common people, and they pay for their privilege; then we might say of the sale of the article under the ancient law in America, that it was useful, and if believed useful, why should it not have been free to all. But the error was this—the moderate use was supposed to be beneficial, but the immoderate use pernicious. It was not then known that any quantity, however small, taken by a person in health, is injurious, and never can give nourishment or strength. It was not known so well as at this time, that temperate drinking was the origin and commencement of all drunkenness and of all the misery and wretchedness and crime and death that followed in its train. It was not then known that the excessive use of spirituous liquors was the producing cause of one half of all the crimes, of all the pauperism, of all the expenses of criminal jurisprudence, and of the great part of the insanity in our land. We were not then called a nation of drunkards; but our forefathers employed their time more nobly than many of their sons do, who are now found one half of their time intoxicated and like madmen, incapable of doing any good to their country, families or friends, but thousands of them are annually tottering to a drunkard's grave.

But it is now well known to all who have examined the subject, that the use of spirituous liquors as a beverage is intemperance, and to speak of the temperate, or moderate use of them is a perversion of language, and the effect of the excessive use of ardent spirits is an unmitigated evil, and is every where seen the degradation and ruin of fellow men; but the use of Alcohol, which our good old fathers thought to be a beverage to them, has become an enemy to their offspring, and an enemy to human life. Chymical analysis and physiological experiments have proved beyond controversy, that Alcohol received into the stomach remains unchanged unassimilated, and as such travels with the blood through the various parts of the system, not as blood, nor as its fit companion, but as a treacherous, and insidious enemy, that it first shews its works of desolation in the noble part of man.

The fine sensibilities are impaired the high standard of honorable

action is lowered, and when we look over the names of the petitioners, we find several hundred ladies' names subscribed to said petitions, and it may here be appropriate to say something to them. What caused them to call upon the representatives of the people of Indiana to come to their rescue, and move the enemy which has seized upon their companion, or the companion of their neighbor, or upon some friend, for they well know when that enemy which is called Alcohol, has seized upon a man that he forsakes his friends, his family, his wife and children are neglected for associates more congenial to his new acquired feelings for his new companion is always deceiving him, and putting many pleasing imaginations in his train. After this the understanding gives way, and finally his physical powers, and the whole drunkard is displayed in all his loathsome deformity, but these are facts too obvious to be denied by any one, but it is the wisdom and duty of the statesman to secure, by wise laws, the greatest possible amount of good to the people, and to prevent evil when it is in his power to do so. The petitioners ask us to repeal the laws licensing the retailing of spirituous liquors, and they urge it as a reason that this law should be repealed, that the free and common use of intoxicating liquors is a great evil, that it tends greatly to impoverish the community, and to paralyze its energies, the loss of the labor, and enterprize of countless drunkards, who otherwise would be valuable citizens. The committee admit that all to be true, and they will here add that they have seen a mathematical calculation making the expense of intemperance annually to the citizens of this government to be \$1,376,160. That estimate may look large, but is confidently believed to be true, a sum sufficient to school every child requiring instruction. But we are glancing at only a part of the mischief done in society by the free and excessive use of ardent spirits. Who can estimate their influence upon the morals of the young? who can estimate the troubles in families that occur in consequence of the excessive use of intoxicating liquors? who can number the victims that are decoyed from the paths of rectitude by the the free and frequent use of intoxicating liquors? who but the father has seen the maddening revel, seized upon the expanding genius of a beloved son, and when melted down with the polluted drops in his mouth, who but the fond and widowed mother bereaved of her last support this side of heaven, who but the devoted and confiding wife, her friend who has been driven from her society, whose means of subsistence has been squandered from her, whose heart has been torn piece meal away by the unkindness of the once sound object of her affections, whose looks and bloated form, she has followed to the untimely grave, can tell or even know the anguish they have experianced? Your committee has briefly summed up a few of the evils that fall upon the human family in consequence of the free, and excessive use of intoxicating liquors. But the committee believe there is one reason why we should not legislate on this subject at this time, all laws should be the will of the people, but should not contravene that will; and every attempt by legislative enactment to force the people, would be wrong in principle, and pernicious in its effects,

it is believed that a majority in all cases should govern, and that no community should have no institutions forced upon them against their will; and when the majority of the people of Indiana instructs their representatives to repeal all laws authorizing the retailing of the spirituous liquors, then is the proper time for the representatives of the people to act on such a measure as the one contained in said petitions. Therefore, the committee deem it inexpedient to legislate on the subject contained in said petition at this time, and they ask to be discharged from any further consideration of the same.

Mr. Long moved to suspend the rule, that a bill might be introduced by Mr. Parker,

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Allison, Arnold, Baker, Bell, Berkshire, Burke, Butler, Campbell, Carlton of L., Carleton of F., Clark, Coats, Cogswell, Cooper, Cox, Cutter, Dunn, Eccles, English, Farley, Flint, Frisbie, Garrigus, Haddon, Hamer, Hamblen, Hull, Hunt of J., Hunt of R., Jackson, Jenckes, Jones, Lane, Lancaster, Lanius, Long, Milroy, Morgan, Nelson of M., O'Neill, Osborn of C., Osborn of F., Parker, Perry, Porter, Robinson of J., Robinson of Ripley, Robinson of Rush, Rush, Shively, Thompson, Warriner, White, Woodard and Worster—55.

Those who voted in the negative were:

Messrs. Atherton, Bennett, Bowles, Davis, Edmonson, Herriman, Johnson, Monroe, Moore of V., Morrison, Nelson of B., Osborn of U., Sands, Southard, Stewart, Zenor, and Mr. Speaker—17.

So the rule was dispensed with.

Mr. Parker then introduced

No. 352, a bill amendatory to an act entitled "an act subjecting real and personal estate to execution, approved February 4th, 1831; Which was read a first time; when

Mr. Cutter moved that the bill be rejected,

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Bennett, Cutter, Davis, Edmonson, Farley, Haddon, McGaughey, Monroe, Morrison, Nelson of B., Osborn of C., Osborn of M., Southard, Spann, Stewart, White and Zenor—17.

Those who voted in the negative were:

Messrs. Allison, Arnold, Atherton, Baker, Bell, Berkshire, Bowles,

Puckles, Burke, Butler, Campbell, Carleton of F., Carlton of L., Clark, Coats, Cogswell, Conaway, Cooper, Cox, Dunn, Eccles, English, Everts, Flint, Foster, Frisbie, Garrigus, Hamblen, Henley, Herriman, Hull, Hunt of J., Hunt of R., Jackson, Jenckes, Jones, Lane, Lancaster, Lanius, Lee, Long, Milroy, Montgomery, Morgan, Nelson of M., O'Neill, Osborn of F., Parker, Perry, Porter, Robinson of J., Robinson of Ripley, Robinson of Rush, Rush, Sands, Shiveley, Thompson, Warriner, Wilson of M., Worster, and Mr. Speaker—60.

So said bill was not rejected.

On motion of Mr. Long, the rule was suspended, and the bill read a second time.

Mr. Butler moved to strike out the second section of the bill.

Mr. Wilson of M. moved that the bill be laid upon the table; Which motion was decided in the affirmative.

Mr. Osborn of F., made the following report:

MR. SPEAKER—

The joint committee on enrolled bills report, that they have compared the enrolled with the engrossed bill, which originated in the House of Representatives of the following title, to wit:

No. 204. An act to incorporate the Lawrenceburgh and Napoleon Turnpike Company, and find the same truly enrolled.

Whereupon the Speaker signed the same.

Ordered, That the clerk carry the same to the Senate for the signature of their President.

Mr. Osborn of F. made the following report:

MR. SPEAKER—

The joint committee on enrolled bills report, that they did this day present to his excellency the Governor, for his approval and signature the following entitled acts which originated in the House of Representatives, to wit:

No. 261, an act to change the name of the town of Paris in Lawrence county to that of Bryantsville;

No. 94, an act declaring certain names therein mentioned misprints;

No. 162, An act to allow further time to the Lawrenceburgh and Indianapolis rail road company, to settle up and close their affairs;

No. 198, an act concerning the estate of Benjamin F. Butts, deceased;

No. 246, an act for the relief of R. and H. Stewart;

No. 284, an act for the relief of Julia A. Wernwag;

No. 169, an act to confirm the title made by Harriet M. Williams and Thomas H. Williams, minors, to certain real estate therein designated;

No. 367, an act to regulate the jurisdiction of justices of the peace in the county of Hamilton;

No. 49, an act to authorize Osborn and Chamberlain, late printers to the House of Representatives of the State of Indiana, or either of them, to sue the State;

No. 248, an act to appropriate a part of the three per cent. fund of Ripley county, and for other purposes;

No. 181, an act to authorize the relocation of the State road passing through the town of Rising Sun in the county of Dearborn;

No. 176, an act creating the county of Benton, and for other purposes;

No. 204, an act to incorporate the Lawrenceburgh and Napoleon turnpike company;

Mr. Morrison made the following report:

MR. SPEAKER—

The joint committee on enrolled bills report that they have this day presented to the Governor for his approval and signature the following bills which originated in the House of Representatives, viz:

No. 121, an act to amend an act entitled an act to incorporate the Indiana Mutual Fire Insurance Company, approved January 30th, 1837;

No. 96, an act to incorporate the Greensburgh and Vernon turnpike company.

A message from the Governor by Mr. Moore, his private Secretary:

MR. SPEAKER--

I am directed by the Governor to inform the House of Representatives that he did on yesterday approve and sign bills, entitled acts, as follows, to wit:

“An act to incorporate the Wabash Fire Company;”

“An act prescribing an uniform mode of ascertaining by weight the quantity of the different kinds of grain that shall pass for a standard bushel in the State;”

“An act to amend an act entitled “an act providing for a more uniform mode of doing township business in the several counties therein named, approved February 17th, 1838;”

“An act to amend an act entitled “an act for the protection of the Madison and Indianapolis rail road,” approved February 14th, 1839;”

“An act to enlarge the powers of the Probate Courts of Marion county in a certain case therein named;”

“An act to locate a State road therein named;”

“An act to amend an act entitled “an act to incorporate the town of Vevay,” approved January 30th, 1836;”

"An act to authorize the circuit court of the county of Cass to change the venue in a certain case therein named;"

"An act authorizing Daniel M. Ingersoll and James Jessup to build a mill dam across Eel river in Green county;"

"An act to encourage the raising of sheep and hogs and to increase the revenue of the State and the wealth of the people;"

"An act to repeal an act entitled "an act to locate a State road from New Albany in Floyd county to Charlestown in Clark county," approved February 12th, 1839;"

All of which originated in the House of Representatives.

Mr. Long now moved that the revenue bill be taken up;

Which motion was decided in the affirmative.

The amendments made in committee of the whole were all concurred in except the last, which was by striking out from the bill the word "forty," the amount to be levied on each one hundred dollars worth of property.

Pending the question, on concurring in this amendment.

Mr. Carleton presented a letter from Jesse L. Williams, Chief Engineer of the State, with a request that it be appended to the minority report of the committee on canals and internal improvements, now in the hands of the printer.

On the question, Shall said report be printed? it was decided in the affirmative.

On motion,

The House adjourned until to-morrow morning at nine o'clock.

WEDNESDAY MORNING, FEBRUARY 19, 1840.

The House met pursuant to adjournment.

Mr. Atherton presented the petition of sundry citizens of Madison county, praying a repeal of the law in force in said county, on the subject of township business;

Which was referred to a select committee of Messrs. Atherton, Cogswell and Buckles.

Mr. Lee presented two several remonstrances of Martin Bowers and others, and John Butcher and others, against the location of a certain State road therein named;

Which were laid upon the table.

Mr. Morgan, from the committee on roads, made the following report:

MR. SPEAKER—

The committee on roads to whom was referred resolution No. 1, requiring the committee to enquire into the expediency of so changing the road law as to make it more definite as to the number of days that each person shall be bound to labor for personal privileges.

Also resolution

No. 9, relating to a change in the 28th section of the road law, so as to require the county treasurers to pay over the road tax by them received to the proper supervisors to be by them expended on roads and highways;

Also, resolution

No. 12, in relation to requiring supervisors to furnish the clerk with a list of the hands in their districts so as to enable the clerk to make out the amount of each person's road tax;

Also, resolution

No. 6, requiring the committee to enquire into the expediency of allowing compensation to supervisors;

Also, resolution

No. 27, requiring the committee to inquire into the expediency of authorizing the boards doing county business, to levy a road tax not exceeding thirty cents on the hundred dollars valuation of land assessed for State and county purposes.

REPORT.

That they have had these various important subjects, as well as others, that they conceive to be within their legitimate sphere of action, under consideration, and have come to the conclusion that during the prevalence of the internal improvement mania, which has so suddenly passed over the State of Indiana, leaving but little behind but its blighting effects; the less ostentatious, and showy but perhaps not less important species of internal improvements, viz: the improvement of our State and county roads, by means of the labor of the people directly applied without the assistance, and without keeping in pay, an army of high salaried officers, has received too little attention from the people, and still less from their representatives. If our splendid system of internal improvements, so auspiciously begun, could have been completed, still it would only have found the great arteries of commerce which, without being connected in every direction with good roads, would have been useless, unprofitable, and as incomplete as the animal economy would be with arteries alone without veins.

It is a grave subject, worthy of investigation, (but perhaps too late now,) whether the State of Indiana did not mistake her true policy in

expending so much on her splendid scheme of internal improvement, and so little to improve the condition of common roads, that lead to almost every man's door, which if not so useful or convenient, as more splendid works have at least the advantage of extending their benefits much more generally throughout the whole country.

If the system of internal improvements would have been incomplete and but partially useful without good roads, how much more necessary must it be now, that we are likely to abandon the system to its fate, that we set about improving and making more efficient our laws relating to public roads when we are likely to have to rely upon them alone as the thoroughfares through which our large surplus is to be transported to market, and by which we are to receive the large amount of necessities we consume of foreign production.

The constitution of our nature appears to be such that even civilized man, without constant contact with society, to round off, and wear away the rough asperities of his nature, will retrograde to a State of semi-barbarism at least.

If then as is no doubt the case, civil Society itself can only be held together by means of roads of some kind to facilitate intercourse, aid commerce, and extend intelligence, it will be obvious to all, that our road system is a subject second in importance to none, and that the legislature cannot too soon set about making such changes as the times demand.

With these views and feelings the committee have in accordance with the resolutions above referred to, as well as their own sense of propriety suggested several amendments and additions to the law now in force on the subject of roads and highways which is respectfully submitted in the following bill, viz.

Bill No. 354, An act to amend an act entitled an act relating to public roads and highways, approved February 17, 1838;

Which was read a first, second and third times, the rule being dispensed with, and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Porter, from the committee on agriculture, made the following report:

MR. SPEAKER—

The committee on agriculture to whom was referred, the petition of sundry citizens, praying that the law requiring the inspection of salt, beef, flour, &c., be extended, so as to include whiskey, have had the same under consideration, and have directed me to report following bill, to wit:

No. 355, a bill supplemental to an act to provide for the inspection of salt, beef, flour, pork and tobacco;

Which was read a first, second and third times and passed, the rule being dispensed with.

Ordered, That clerk inform the Senate thereof.

Mr. Parker, on leave granted, introduced

No. 356, a bill supplemental to an act entitled "an act to amend the law concerning domestic attachment," passed at the present session, and for other purposes;

Which was read a first and second times, the rule being suspended; when

Mr. Moore of O., moved that the bill be committed to the committee on canals and internal improvements;

Which motion was decided in the negative.

The bill was then considered as engrossed and read a third time.

On the question, shall said bill pass?

The ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Allison, Arnold, Atherton, Baker, Bell, Bennett, Berkshire, Burke, Butler, Campbell, Cogswell, Cooper, Cox, Dunn, Eccles, Everts, Farley, Finch, Fitch, Flint, Foster, Hull, Hunt of J., Jenckes, Johnson, Judah, Lancaster, McGaughey, Milroy, Montgomery, Morgan, Parker, Robinson of J., Robinson of Ripley, Robinson of Rush, Southard, Thompson, Wilson of M., Woodard, and Worsterr—11.

Those who voted in the negative were:

Messrs. Bowles, Carlton of L., Clark, Coats, Conaway, Davis, Ed^d monson, English, Frisbie, Garrigus, Gardner, Haddon, Hamblen, Henley, Herriman, Lane, Lanius, Lee, McCormack, Miller, Moore of O., Moore of V., Morrison, Osborn of F., Osborn of U., Porter, Rippey, Sands, Warriner, White, Wilson of W., Zenor and Mr. Speaker—33.

So said bill passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Baker presented the petition of sundry citizens of Wayne, Randolph and Jay counties, on the subject of a certain State road therein named;

Which was referred to a select committee of the delegation from Wayne, Randolph and Jay counties.

Mr. Milroy presented the petition of J. McCully and others, on the subject of a certain State road therein named;

Which was referred to the same select committee heretofore appointed on that subject.

Mr. Allison presented the petition of sundry citizens of Green county, praying for a State road therein named;

Which was laid upon the table.

Mr. Haddon presented the petition of Thomas B. Springer and others, in relation to a certain State road therein named;

Which was referred to a select committee of Messrs. Haddon, Davis, Cox and Jenckes.

Mr. Milroy presented a petition from sundry citizens of Tippecanoe county, praying to be attached to Carroll county;

Which was laid upon the table.

Mr. Everts presented the petition of Benjamin Shaw and others of La Porte, Stark, &c., in relation to a certain State road therein named;

Which was referred to a select of committee Messrs. Everts, Warriner and Rush.

Mr. Judah made the following report:

MR. SPEAKER—

The committee on the judiciary have had under consideration, a bill No. 349, of the House, entitled a bill to alter the boundary lines of the counties of Clay and Owen; and report that the committee do not find any constitutional objection to it, and ask to be discharged from the further consideration thereof.

On motion,

The committee was discharged.

Mr. Moore of O., moved that the bill be laid upon the table,

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Allison, Arnold, Baker, Buckles, Carleton of F., Carlton of L., Cogswell, Conaway, Davis, Eccles, Edmonson, English, Foster, Garrigus, Haddon, Hamblen, Henley, Hull, Hunt of J., Johnson, Lane, Lanius, Lee, McCoy, Milroy, Monroe, Moore of O., Moore of V., Morrison, Nelson of B., Osborn of F., Osborn of U., Perviance, Porter, Rippey, Robinson of Rush, Sands, Shiveley, Warriner, Wilson of W., Mr. Speaker—36.

Those who voted in the negative were:

Messrs. Atherton, Bell, Bennett, Berkshire, Burke, Butler, Coats, Cooper, Cox, Everts, Fitch, Flint, Gardner, Hamer, Hunt of R., Jencks, Jones, Judah, Lancaster, Morgan, Osborn of C., Parker, Robinson of J., Robinson of Ripley, Wilson of M., Woodard, and Worster—23.

So said bill was laid upon the table.

Mr. Dunn asked leave of absence for Mr. O'Ncall, during the remainder of the session;

Which leave was granted by the House.

Mr. Eccles made the following report:

MR. SPEAKER—

The judiciary committee to whom was referred a resolution of this House, instructing them to enquire what amendments were necessary to the act regulating the practice in suits at law, so as to authorize special bail in any civil suit to surrender the principal at any time in vacation, either before judgment against the principal or after, and before judgment against the bail, and to have a bail piece for that purpose to any other state, have according to order, had the same under consideration, and have directed me to report the following bill, to wit:

No. 357, a bill to amend an act entitled "an act regulating the practice in suits at law," approved January 29th, 1831;

Which was read a first, second and third times and passed, the rule being suspended.

Ordered, That the clerk inform the Senate thereof.

Mr. Morgan made the following report:

MR. SPEAKER—

The committee on roads to whom was referred the report of the Treasurer of State in relation to the three per cent. fund, have had the same under consideration and directed me to report, that by a reference to the report and to the various laws on the subject, they find that the appropriations heretofore made will cover all the receipts of the three per cent. fund for many years to come; and as this House has already decided by a solemn vote that it will not consent to make any change in the appropriations heretofore made, it supersedes the necessity for any action by this committee on the subject, they therefore ask to be discharged from the further consideration of the same.

On motion,

The committee was discharged from the further consideration of the subject.

Mr. Hunt of J. made the following report:

MR. SPEAKER—

The committee on canals and internal improvements, have directed me to make the following report: That they have had under consideration the memorial of A. Modervill praying for relief; they deem it inexpedient to legislate upon the same, and ask the House to be discharged from the further consideration thereof.

On motion,

The committee was discharged accordingly.

Mr. Milroy made the following report:

MR. SPEAKER—

The committee on canals and internal improvements, to whom was referred "a joint resolution to provide for the completion of the Cross Cut canal," have had the same under consideration; and a majority of said committee, have directed me to report the same back to the House with an amendment, and recommend its passage.

On the question, Shall said amendment be adopted? it was decided in the affirmative.

Mr. Parker moved further to amend the bill by adding the following:

"And that the Board of Internal Improvement be, and they are hereby, authorized to prosecute any contracts upon the White Water canal that they may deem expedient, so that in so doing they do not exceed the appropriation, originally made, for the construction of that work; and in case they can pay for the prosecution of said contracts with State bonds at par, and at cash prices for work done, and for any work done during the year 1840, no bonds shall be paid out until the first day of January 1841.

Mr. Moore of O. moved to amend the amendment, as follows:

"Also the southern end of the Central canal;"

Which amendment to the amendment was adopted.

Mr. Cogswell moved further to amend the amendment, by adding the Central canal, north of Indianapolis.

Mr. Henley moved to lay the bill and amendments upon the table, And the ayes and noes being requested thereon.

Those who voted in the affirmative were:

Messrs. Albertson, Arnold, Bowles, Buckles, Campbell, Carlton of L., Clark, Davis, Eccles, Edmonson, English, Farley, Foster, Frisbie, Garrigus, Haddon, Hamer, Hamblen, Herriman, Hunt of J., Johnson, Jones, Lane, Lanius, McCoy, Monroe, Montgomery, Moore of O., Moore of V., Morrison, Nelson of B., Osborn of U., Perry, Perivance, Porter, Robinson of Ripley, Robinson of Rush, Sands, Shiveley, Stewart, Warriner, White, Worster, Zenor, and Mr. Speaker—45.

Those who voted in the negative were:

Messrs. Allison, Atherton, Baker, Bell, Bennett, Berkshire, Burke, Butler, Carleton of F., Cogswell, Cooper, Cox, Cutter, Everts, Finch, Hull, Hunt of R., Jackson, Jenckes, Judah, Lancaster, McGaughey, Miller, Milroy, Morgan, Nelson of M., Osborn of C., Osborn of F., Parker, Rippey, Robinson of J., Rush, Thompson, Wilson of M., and Woodard—33.

So said bill and amendment was laid upon the table.

Mr. Finch made the following report;

MR. SPEAKER—

The judiciary committee have considered a resolution of this House directing an inquiry "into the expediency of amending the act regulating the practice in suits at law, so as to authorize special bail to surrender the principal at any time in vacation either before or after judgment," and have directed me to report that they deem legislation on the subject matter contemplated by the resolution inexpedient.

The report was concurred in and the committee discharged.

Mr. Finch made the following report:

MR. SPEAKER—

The judiciary committee have considered a resolution instructing them to inquire if amendments to the "act relative to foreign attachment be necessary, so as to require the clerk of the circuit court to cause publication of the suing out of such writ immediately on the filing of the affidavit of the plaintiff, and that said writ be made returnable to the first day of the next term of said court," and have directed me to report that they think further legislation on the subject unnecessary.

On motion,

The report was concurred in and the committee discharged.

Mr. Finch made the following report:

MR. SPEAKER—

The judiciary committee have considered bill of the House, No. 174, entitled "a bill concerning witnesses in criminal cases," and have directed me to report the same back to the House with the recommendation of the committee that it be indefinitely postponed.

On motion of Mr. Berkshire,

The bill mentioned in the report was laid upon the table.

Mr. Finch made the following report:

MR. SPEAKER—

The judiciary committee to which was referred bill No. 106, "to amend an act relative to domestic attachment," have directed me to report that they deem it inexpedient to amend the law on that subject as the bill proposes; they ask to be discharged from the further consideration of the bill.

On motion,

The committee were discharged; and

On motion of Mr. Berkshire,
The bill was laid upon the table.

Mr. Robinson of J., made the following report:

MR. SPEAKER—

The committee on the judiciary has had under consideration, according to order, a resolution of the House, instructing them to inquire into the expediency of amending the law respecting the forfeiture sale of lands for the non-payment of taxes, have instructed me to report that legislation on said subject is unnecessary, and ask to be discharged from the further consideration of the same.

The report was concurred in and the committee discharged.

Mr. Robinson of J., made the following report:

MR. SPEAKER—

The committee on the judiciary has had under consideration, according to order, a resolution of the House, instructing them to inquire whether any alterations are necessary in an act concerning vagrants, approved February 17th, 1838, and have directed me to report that any alterations therein are unnecessary, and ask to be discharged from the further consideration thereof.

The report was concurred in and the committee discharged accordingly.

Mr. Robinson of J. made the following report:

MR. SPEAKER—

The committee on the judiciary have had under consideration, according to order, a bill to "amend an act regulating the practice in suits at law," and have instructed me to report the same back to the House, and recommend its indefinite postponement.

On motion,

The report of the committee was concurred in and the bill indefinitely postponed.

Mr. Johnson made the following report:

MR. SPEAKER—

The select committee to whom was referred the bill of the House, No. 310, providing for the sale of the Michigan road lands remaining unsold, and for other purposes, have had that subject under consideration, and have authorized me to report the same back with several amendments;

Which were concurred in.

The bill was read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Moore of O. from the select committee, on that subject, made the following report:

Mr. Jones offered for adoption the following resolution:

Resolved, That a select committee of five be appointed to ascertain and report to this House whether the public printer to the House of Representatives, at their session of 1837 and '38 has repaid to the Treasurer of State the sum of eight hundred and sixty-one dollars and eighteen cents, by him improperly charged for printing done for the House at that session; and also what amount said printer charged for newspapers furnished to the members of the last General Assembly.

Mr. Moore of O. moved to add the following as an amendment:

And also what the editors of the Journal charged for newspapers furnished to the last General Assembly.

Which amendment was adopted.

Whereas, A committee was appointed by this House some four or five weeks ago, for the purpose of investigating an alleged overcharge of Bolton & Livingston as public printers for this House for the session of 1837-8; and what John Livingston charged for newspapers for the last session of the General Assembly; *And whereas*, it is important that the investigation should be made; therefore, be it

Resolved, That the minority of said committee be instructed to investigate the whole matter in relation to that subject, and report to this House as soon as possible.—*Resolution adopted Feb. 6, 1840.*

In conformity with the requisition of the above cited resolution the minority of the above mentioned committee, respectfully

REPORT:

That they have fully considered all the matters embraced in the resolution.

On the first branch of the resolution the minority of the committee believed it to be their duty to go into a full examination, not only of the report of the committee on unfinished business of last year, but of the account rendered against the State for the year 1837-8, by Messrs. Bolton & Livingston, printers to the House.

As much excitement has grown out of this subject, and in justice to the public, to the members of the Legislature, and to the present printer of the House, it certainly cannot be considered either impertinent or improper to give a full history of all the facts of the case.

At the session of 1837-8 Bolton & Livingston, by nearly a strict party vote, were defeated as printers to the House, and succeeded by Messrs. Osborn & Chamberlain.

At the ensuing session of 1838-9, the public printing was performed by the newly elected printers. During this session much fault was

found with the printers for not executing all the orders of the House with the customary promptness. As an evidence of this the committee will refer to the resolution offered by Mr. Thompson, and adopted on the 19th of December, page 141, Journal of the House 1838-9.

"On motion of Mr. Thompson,

Resolved, That whereas, a resolution passed this House on the 4th instant, directing the public printers to print five thousand copies of the Governor's Message, and whereas said public printer has failed or neglected to comply with said request, therefore

Resolved, That the said resolution be, and the same is hereby repealed, and the said public printer be authorized to receive payment for such number of copies as have been distributed among the members of this House, and that the sergeant at arms be directed to inform the public printer of the adoption of this resolution."

It appears by this resolution that the public printer had not, two weeks after the delivery of the Governor's annual Message, printed and delivered the same to the House.

No charge of such neglect or delay against the former public printers is known to exist.

They had, as far as the knowledge of this committee goes, promptly executed, with all possible despatch, every order of the House. But while such charges of neglect or delay were brought against Messrs. Osborn & Chamberlain, and were upon the Journals of the House, no good excuse or reason, other than political ones, can be given for turning out Messrs. Bolton & Livingston. If they had failed in their duty, or done the work in a bungling or unworkmanlike manner, then good cause would have existed to supersede them; but when they had performed their duties to the satisfaction of the House, and had been superseded by others, against whom charges of neglect or delay are recorded, it became necessary to hunt up for other causes of complaint to justify the act of the House in turning out faithful, and putting in unfaithful officers. Accordingly the committee was appointed on unfinished business, with plenary powers to examine the whole subject of public printing. This committee made their report to the House on Tuesday, Feb. 12, 1839, the last week of the session.

The committee do not wish to be understood to censure the acts of the committee; but they believe it to be their duty to make some remarks upon the report.

The report of the committee was based upon the report of the subcommittee, Messrs. Culley & Hannaman, who were instructed by the committee "to enquire into and report the value of the public printing done for the State in 1837-8." It appears upon examination of the report, that Messrs. Culley & Hannaman conceived it to be their duty to decide and determine in what manner the public printing should be executed. They were not governed by precedent and custom, but by their own views. They did not examine the journals and reports printed for the Legislature from the organization of the State; they only examined the printing for the session of 1837-8, and, upon the examination, came to the conclusion that the Journal was blanked out

too much, that the ayes and noes were improperly set up in columns, and that the reports and documents were too much blanked.

In the State Library are several volumes of the Journals in which the ayes and noes are printed in columns; some in two and others in three columns. One volume of the Journal in which the ayes and noes are printed in two columns, was printed by Messrs. Carpenter & Douglass. Mr. Douglass is now, in connexion with Mr. Noel, printer to the Senate. Here certainly is a precedent which justified Messrs. Bolton & Livingston in printing the ayes and noes in columns.

Upon a further inspection of the Journals and Documents printed for the State, the committee do not conceive that Messrs. Bolton & Livingston did depart from precedent and custom. They were guided by the manner in which the public printing had been uniformly printed, and if blame rests any where, it certainly does not rest upon them. If the public printing was improperly done, the excuse is that it had always been improperly done; and, instead of censuring, it was the duty of the Legislature to correct past errors, and prescribe rules for future printing.

In printing the ayes and noes in columns, and in blanking the Journals and reports, and Documents, Bolton & Livingston found ample precedent in the Journals, &c. in the State Library. As a farther justification the committee refer to the evidence of Mr. George Gruard, foreman of the National Intelligencer office, and to the letter from the Messrs. Medary's of Columbus, Ohio.

Mr. Gruard, in his testimony to the following interrogatory "Are the ayes and noes printed in columns in the journals of Congress, and why?" says, "The ayes and noes in the journals of Congress are set in columns in close order. I know of no particular reason for so doing, other than the *taste* of the printer."

Messrs. Medary & Brothers, of Columbus, in their letter state, "There is certainly no impropriety in printing them in columns. Indeed we think it would be an improvement over the present custom, as the names of the members would much more readily strike the eye in that form. The ayes and noes in the Congressional Journals are set in columns for this very purpose, as we understand."

Whether it was proper or improper to print the ayes and noes in columns, Messrs. Bolton & Livingston in the absence of any particular directions, were justified by precedent and custom, as found in the printed Journals of this Legislature, and by their *taste*, according to Mr. Gruard, and he is, and ought to be good authority for Whigs, for he is foreman of Messrs. Gales & Seaton.

In the evidence appended to this report, it appears by the evidence of all practical printers examined, and concurred in by Mr. S. V. B. Noel, editor of the Indiana Journal, that it is customary to charge composition for each order of the Legislature.

Mr. A. C. Brewer, in reply to this question, "If a report were printed for the House, and the same report were printed for the Senate, and the composition of said report were saved in said printing for the

Senate, would you feel at liberty to charge the composition for both orders?" states, "Certainly I should." Messrs. John S. Cole, Moore Galway, and A. E. Drapier, all concur in this answer; it is the rule, as the committee learn from printers, "the world over." As a reason for the rule, the letter of Messrs. Medarys and the depositions of John C. Rives are referred to. Mr. S. V. B. Noel, in reply to the question, "Have you not charged for type set and printed in a volume of the laws, and charged again for setting up the type for the same law, amounting to from fifteen to thirty pages, thus charging for setting up the type twice, when in fact it was only set once?" states, "We made the charge, but it was not allowed by the Secretary." The reason of its not being allowed, is found in the examination of Mr. Brown. He states that the printers to the Senate charged for composition twice upon the revenue and surplus acts. "The first matter was first set up for the laws, and then made up again and published in pamphlet form. This account, under the direction of the House, I refused to allow, because they were advised in the first instance that an extra number, in pamphlet form, was to be published, and they were directed to do it, without re-setting the type. They complained of this decision, because they had to pay their workmen for the printing, as if it had been set up twice."

From this evidence it appears that the printers to the Senate conceive it to be their right to charge twice for matter set up but once.

All the facts, which will more fully appear upon an examination of the evidence, justify Messrs. Bolton & Livingston in charging composition twice in the cases in which they have so charged it. It is the rule of printing, and as such was adhered to. The testimony fully proves that no unnecessary blanking was made in the Journals, Documents, and Reports; that the account of Bolton & Livingston was made out correctly according to the rules of charging among printers. Their account was not only not too large, but, according to the testimony of A. E. Drapier and others, who have since measured the printing done, Messrs. Bolton & Livingston actually undercharged the State in the amount of one hundred and eighty-two dollars and ninety-five cents.

The overcharge for newspapers alleged to have been made is accounted for in this way, and to the committee it seems reasonable. During the session of 1837—8, the *Indiana Democrat* was published twice each week, on double medium paper, (the same as this year,) and five and a half cents charged for each copy. The *Journal* for the same year was printed on super royal paper, twice a week, (the same sized paper as this year,) and five cents charged for each number; the difference of half a cent in the charges of the two papers, considering the sized sheet on which it was published, was not too much for the *Democrat*. Indeed the difference in the cost of paper and of printing the same is much greater. Your committee, in this charge, can find no cause for complaint.

Upon a full examination of all the evidence submitted, and ap-

pended to this report, the minority of the committee come to the following conclusions:

1. That Messrs. Bolton & Livingston are not censurable for the manner in which they executed the public printing, inasmuch as custom and precedents were their guides.

2. That for printing the ayes and noes in columns they were justified by the precedent found in the Journals of the State in the State Library, in one of which the ayes and noes were printed in columns by Mr. Douglass, the present printer to the Senate with Mr. Noel, and by the evidence of Mr. Gruard, foreman to Messrs. Gales & Seaton, publishers of the National Intelligencer.

3. That there was not too much blanking in the Journals, Documents and Reports, compared with the Journals, Documents and Reports printed in previous years.

4. That the charge for newspapers was not too large, considering the size of the Democrat as compared with the Journal of the same year.

5. That the alleged overcharge of \$861 18, as charged by the committee of the House last winter, does not in fact exist; but that in fact, according to the rules and regulations among printers, Bolton & Livingston did not charge the State enough by one hundred and eighty-two dollars and ninety-five cents.

6. That the charge urged and repeated that Bolton & Livingston cheated the State is not true in fact.

7. That the suit ordered to be brought by the State against Messrs. Bolton & Livingston will, according to the evidence submitted, result in the acquittal of the defendants; and a further prosecution of the same is only calculated to harass and put to much expense the defendants, without any benefit resulting to the State.

In support of these positions, the committee confidently rely upon the documents submitted with this report, and marked A, B, and C.

GEORGE W. MOORE,
JEPHTHA GARRIGUS.

A. C. Brewer sworn, examined.

Question. To the best of your knowledge, is it customary, when a second order is given, either in the case of legislative work or by a bookseller or an author, whether the type composed for the first order is given, to charge for the second order *de novo*?

Answer. That is the rule, and is customary as far as my knowledge goes; and I have worked in many offices in Michigan, Illinois, Ohio, and Indiana.

Question. If a report were printed for the House, and the same report were printed for the Senate, and the composition of said report were saved in said printing for the Senate, would you feel at liberty to charge the composition for both orders?

Answer. Certainly I should.

Question. If a report be printed in pamphlet form, and afterwards printed in the journals, or in a volume of documents, would you feel at liberty to charge twice for the composition of said report?

Answer. I should feel at liberty to do so.

Question. In measuring matter set up in book or pamphlet form, is it usual to make allowance for any pages (at the beginning or the end of a chapter or an article, for instance) the printed part of which shall not be of the full measure of a page?

Answer. No; because the page must be filled up with blanks, which is often troublesome.

Question. Supposing that in a half sheet of octavo there be seven pages of printed matter and the eighth be left blank, for how many pages is the composition charged in said half sheet?

Answer. Eight.

Question. Suppose there be a smaller number, five, for instance, of printed pages in a half sheet of octavo, and the other three be left blank, how many pages are charged in composition?

Answer. Eight.

Question. Why are blank pages so charged for?

Answer. Because the pages are actually set up, although they do not appear in print. It is necessary that they should be set up because the form could not be put to press without them.

Question. Did you, in connexion with others, examine the work done by Bolton and Livingston for the State during the session of 1837-38?

Answer. Yes: I examined the journal and the documentary journal.

Question. In examining the work had you all the journals and documents before you?

Answer. We had the journal and the documentary journal.

Question. Did you make an estimate of the number of ms and tokens in the journal and in the documentary journal?

Answer. Yes, sir, we did.

Question. Was the account or estimate made by you of said journal and documentary journal according to the rules of charging generally adhered to in printing offices as you understand said rules?

Answer. It was.

Question. In the examination of the reports did you find what you supposed to be unnecessary blanking?

Answer. Not any.

Question. The ayes and noes in the journals which you examined were set up in a type smaller than the body of the work: according to the usage of the business, should those ayes and noes be measured in and charged at the same price as the pages in which they stood, or should they be charged at a higher or a lower price?

Answer. By the rules of the business they ought to be charged according to the size of type in which they are set; that is, being in a smaller sized type, they would count more in proportion to the space occupied, and ought to be charged accordingly.

Question. Are you a practical printer?

Answer. Yes.

Question. How long did you serve as an apprentice to learn the business?

Answer. Four years.

Question. How long have you worked at the business of printing since your apprenticeship?

Answer. Between five and six years.

Question. You have said that the eyes and noes being set in a smaller type than the body of the several pages in which they appear, should be charged, according to the usage of printing offices, more than the same space occupied by the larger type. Did you so estimate them, or did you make any extra charge?

Answer. We made no extra charge for the smaller type, but counted it as the remainder of the page.

Question. Suppose that a report were set up in pamphlet form, and inserted in a volume of documents by one printer, and the same report set up in pamphlet form and inserted by another printer in the Senate journal, would not one printer have as good a right, according to the rules of printing, to charge twice for the composition as the other?

Answer. Certainly.

Question. In press work, what is the usual mode of charging?

Answer. By the token.

Question. How many sheets constitute a token?

Answer. Two hundred and fifty, printed one side.

Question. Suppose the number printed be one hundred, or any number less than two hundred and fifty, what is the charge?

Answer. The same as a token.

Question. Suppose the number printed be six hundred, or any number above two hundred and fifty and less than five hundred, what is the charge?

Answer. Two tokens; because parts of tokens are always charged as entire tokens.

Question. Did you examine the report made by Messrs. Culley and Hannaman, last winter, on the subject of Bolton and Livingston's charges for public printing?

Answer. Yes, partially.

Question. As far as you examined it did you find it to be correct?

Answer. No, we did not.

Question. Have you any interest in a decision for or against Bolton and Livingston in relation to their charges for public printing?

Answer. No, not as it relates to Bolton and Livingston.

Question. In your opinion was the account rendered to the State by Bolton and Livingston for the printing done for the session of 1837-8 overcharged?

Answer. No. According to an estimate which I made some time since, it was undercharged by from a hundred and fifty to two hundred dollars.

John S. Cole, sworn, examined.

Question. You have heard the questions put to A. C. Brewer and the answers by him given?

Answer. I have.

Question. Are you a practical printer?

Answer. Yes.

Question. How long have you worked at the business?

Answer. Seven years.

Question. Do you feel any interest in a decision for or against Bolton and Livingston in this matter?

Answer. Not any.

Question. Did you, in connexion with A. C. Brewer and others, examine the work done by Bolton and Livingston for the State during the session of 1837-38?

Answer. Yes, the journal and documentary journal.

Question. Did you make an estimate of the number of ms and tokens in those two journals?

Answer. Yes.

Question. Was the said estimate made by you in accordance with the common rule of printers in making their charges?

Answer. It was. I know of no other rule by which a fair estimate could be made.

Question. Did you find in these journals what appeared to you to be unnecessary blanking?

Answer. No.

Question. You say that you have heard the questions put to A. C. Brewer and the answers given by him with regard to the rules or customs by which printing is usually charged: Do you agree with him generally in the answers which he gave, or do you differ from any of them?

Answer. I agree with him in all of them.

Moore Galway, sworn, examined.

Question. Mr. Galway, are you a practical printer?

Answer. I am.

Question. How long have you been acquainted with the business?

Answer. I was first apprenticed to it in the Isle of Mann, in the year 1796, and finished my apprenticeship of seven years, with John McCreery, a man well known for his republican principles, as well as for having been instrumental in improving the style of printing throughout the world, in Liverpool, England, in the year 1803, making my acquaintance with the printing business to cover a space of time equal to forty four years.

Question. In the course of that time you have no doubt had consider-

able experience, in different places, of the mode of conducting business, and of charging for work?

Answer. I worked as journeyman in three different offices in Liverpool after I was out of my apprenticeship; was for seven years partner with Egerton Smith, of the Liverpool Mercury, an almost republican paper, and well known on the seaboard of this continent; after which I purchased a paper of the same principles in Chester, called the Chester Guardian, which I conducted for five years, and succeeded in sinking about two thousand pounds in the concern, (about \$10,000;) and after striving for several years to gain that station in society which through the thanklessness of the Cheshire whigs I had lost, and striving in vain, having heard that a man was not despised in the United States on account of his poverty, but appreciated according to his moral worth, I expatriated myself and family; worked in several offices in Philadelphia, removed to Washington City, where, for about five years I reported during the sessions of Congress, and during the recess was employed in the printing office of Duff Green, and finally removed to this State. Since my removal to this State business carried me to the east where I remained for nearly a year, during which time I was employed in two different printing office in Baltimore.

Question. From your experience you are able to say whether the rule of charging work, as stated by the two witnesses already examined, and whose testimony you have heard, is mainly correct?

Answer. It is. I have never known, at either side of the Atlantic, any allowance made for pages not filled out to their full length with readable type or matter. Every page must be filled up with something, or the matter could not be adjusted, or what is technically called justified, so as to be printed. It is, indeed esteemed an advantage to the compositor to meet with such pages, because it is more quickly set up with what are called quadrats, or white lines, or quotations. The advantage arising from these, as they are called, *fat* pages is to the workman who sets them up, and not to the employer, he always paying the same whether the reading matter of the page be of the full measure of the page or not. The same rule holds good with regard to a half sheet or a sheet not containing its whole number of pages. The place of the pages must be supplied with something which will not print. Four pages would be charged for as four pages only; but when there are but five pages in a form of octavo, the other three must be supplied with blanks, or it would not be possible to work off that form. In every work, and in every volume of every work, there is a blank page at the back of the title, the payment for which is never disputed. It is also usual and necessary to place at the bottom of every page a white line, which is measured and charged with the page. These lines formerly contained the catch word, which has now gone a good deal out of use; but still the line is necessary to protect the last readable line of the page. If a part of a page be set in a smaller type than that in which the body of the work is printed, it is charged an extra price; and if it exceed a certain proportion the whole page is

charged at the price of the smaller type, although not entirely composed of it. I say this in reference to the ayes and noes being set in columns in small type, which I believe has not added any thing, or if any thing, but little to the expense of the printing of the Journal now in question, because, as I understand, there was no extra price charged for the smaller type in which they were set. If a table should occur in a page of plain matter, and the table amount to half the size of the page in which it occurs, the whole page is subject to double charge. When any matter has been disposed of in one form which can be made available in another it is always used: it is a saving of labor to workman, and no loss to the author, (to use a technical phrase, and in this case the State is the author.) The author is not supposed, nor has he any right to know whether the matter is set up twice or not.

In press work no charge is known for less than a token. If it were otherwise, pressmen would often be losers; for the time which is occupied in preparing the press, adapting the tympan and frisket, &c. for the reception and working of a new form, or what is technically called making ready, is seldom compensated for in the first token.

Upon the whole there is but little difference between the mode of charging used in this town, by which I suppose the work in question has been charged, and what I have always seen adopted; and that difference affects the employer only, and not the author.

Samuel V. B. Noel, sworn, examined.

Question. Are you a practical printer?

Answer. Yes.

Question. What experience have you had in the business?

Answer. I served my apprenticeship in Indianapolis, and worked there as a journeyman for a short time. I afterwards worked at Fort Wayne, for about fourteen months, being a part proprietor of a newspaper there. I then returned to Indianapolis, and have continued at Indianapolis ever since.

Question. From the practice that you have had, have you a knowledge of the usual modes of charging work (that is printing) of every description?

Answer. Yes, I think I have.

Question. Suppose one printer were to set up a report, ordered by either branch of the legislature, and print it in pamphlet form, and, without resetting the type, place it in the Journal of the Senate or of the House; and another printer were to set up a report in pamphlet form, and without resetting the type, place it in a Journal of Documents, would either or both be justifiable, according to the general rules of printing, in charging twice for the composition?

Answer. The rule that has governed us is this: If the form were taken from the press and the matter made up again, it would be charged twice; but, if the form were not disturbed further than to alter

the folios, there would be no other charge made than for the alteration of the folios. But I do not remember whether we had any any work of that sort to do or not.

Question. Have you not charged twice, and been allowed by the State, for type set up but once, in one of the cases mentioned in the last question?

Answer. I only recollect such an occurrence when it has happened that a table has been in a report and afterwards in the Senate Journal, we have then printed off the whole number for the Journal and charged two compositions.

Question. Have you not charged for type set up and printed in a volume of the laws, and charged again for setting up the type for the same law, amounting to from fifteen to thirty pages, thus charging for setting the type twice, when, in fact, it was only set once?

Answer. We made the charge last winter, but it was not allowed by the Secretary.

Question. If you had printed a law in pamphlet form, and afterwards put it into the volume, would you have charged that matter twice?

Answer. We would.

William J. Brown, sworn, examined.

Question. By whom was the account now before the committee, of Bolton & Livingston against the State, made out?

Answer. By George Pattison, a practical printer.

Question. Do you think that he was fully qualified to make out such an account?

Answer. I do.

Question. From what do you judge of his qualifications?

Answer. Because I have practised printing myself, and have been a publisher of a paper.

Question. Were you aware that in the account of Bolton & Livingston the composition of certain matter was charged twice?

Answer. I knew that when matter was transferred from the Journal to the Documentary Journal and the pages charged, it was usual to charge such pages as new matter. Besides I had ascertained from the public printer of the state of Ohio and the Secretary of State of Ohio, that the charges in that state were made upon the same principle and allowed.

Question. Was there any particular direction given by you as to the manner in which the printing should be done?

Answer. I gave no instructions, inasmuch as I was not required to do so by law; except upon one occasion to inform Mr. Livingston that his journeymen were using their leads too liberally, and that he must stop it, which he did.

Question. To whom did the profit of this extra leading, or, as you have called it too liberal use of leads go, was it to Bolton & Livingston or to the journeyman or men whom they employed?

Answer. To the journeymen.

Question. With regard to charging twice for the same composition—Did the printers for the Senate ever make a similar charge?

Answer. They charged twice upon the revenue and surplus revenue acts. The matter was first set up for the laws, and then made up again and published in pamphlet form. This account, under the decision of the House, I refused to allow, because they were advised in the first instance that an extra number, in pamphlet form, was to be published, and they were directed to do it without resetting the type. They complained of this decision, because they had to pay their workmen for the printing as if it had been set up twice.

Question. Did you bring suit against Bolton & Livingston, as you were required to do by law?

Answer. I did.

Question. When was that suit brought?

Answer. About the middle of last April, in time for trial at the last spring term of the court.

Question. Why was the cause continued?

Answer. It was continued by consent of parties, with an order to take depositions.

Question. Was the case tried at the last term?

Answer. It was not. It was again continued, and the plaintiff had leave to amend his declaration.

Question. In your opinion, did Bolton and Livingston charge more for their news-paper, the Democrat, than Douglas and Noel did for their news-paper, the Journal, taking into consideration the comparative sizes of these two papers, during the session of 1837-8?

Answer. I think they did not. The Democrat was printed on double medium paper, and the Journal was printed on royal paper.

Question. Was the account of John Livingston for news-papers supplied to the Legislature during the session of 1838-9 correct according to the contract?

Answer. Yes, it was.

Question. Did Douglas and Noel charge as much for their paper, the Journal, as John Livingston charged for his paper, the Democrat?

Answer. Douglas and Noel's account lacked a few dollars of the amount of John Livingston's account. I think that Livingston's account was six hundred and eighty-four dollars, which was correct. Douglas and Noel's account was six hundred and seventy-five dollars, they having neglected to charge for papers delivered to the door-keepers and the sergeant-at-arms, as they informed me. This neglect to charge for the papers delivered to the door-keepers, and the sergeant-at-arms made the difference.

Ariel Euclid Drapier, sworn and examined.

Question. Are you a practical printer?

Answer. Yes.

Question. Have you had considerable practice in printing, and are you aware of the usual mode of charging for printed work?

Answer. I have had some seventeen years of practice, and have occasionally acted as printing office overseer, in different parts of the Union. In that capacity it has frequently devolved upon me to make out the charges for the work done.

Question. Have you examined the work done for the State by Bolton and Livingston as public printers in the year 1837-8?

Answer. I have examined their work on the Journal and the Documentary Journal of the House of that session.

Question. Have you made an estimate of the work according to the usual rules of charging in the different places where you have been.

Answer. The day before yesterday I made a hasty estimate of the work done by Bolton and Livingston as it appears in the Documents, the Journal, and the Documentary Journal, and I found those works, in their aggregate to amount to three thousand one hundred and twelve dollars and ninety cents.

Question. In the estimate that you made was all the work done by Bolton and Livingston for the State, during that session included?

Answer. On inspection of their account I find items of charges for news-papers, catalogue of books in the State Library, order of business, ayes and noes, (blanks,) bills, advertising &c., amounting to one thousand and nine dollars and eighty-eight cents, of which I had no means of ascertaining the correctness.

Question. Supposing the charges for the items which you have just mentioned to be correct, was the account of Bolton and Livingston against the State for work done during the time mentioned, which account you say you have inspected, over charged, in your opinion, or was it undercharged?

Answer. It was undercharged by one hundred and eighty-two dollars, and ninety-five cents, according to my estimate.

B.

To the Honorable the Judges of the Marion Circuit Court within and for the County of Marion and State of Indiana:

I, the undersigned, a Justice of the Peace in and for the county of Washington, in the District of Columbia, do hereby certify, that in pursuance and execution of the commission hereto annexed, did, on the 20th day of September, eighteen hundred and thirty-nine, at the Mayor's office in the City of Washington, come Geo. M. Grouard, foreman of the National Intelligencer office, and John C. Rives, one of the Editors of the Globe, published at Washington City aforesaid, witnesses for the defendants in a suit now pending in the Marion Circuit Court, within the county of Marion and State of Indiana, in which the State of Indiana is plaintiff and Nathaniel Bolton and

John Livingston are defendants, to appear before me, and having first duly examined, cautioned and sworn the said George M. Grouard and John C. Rives on the Holy Evangelists of Almighty God, to testify the truth, the whole truth and nothing but the truth, touching their knowledge of the matter in controversy in the suit aforesaid, did depose as follows to the interrogatories propounded in the papers marked A and B, and to the answers thereto have affixed their names. I further certify, that this commission was opened between the hours of eight o'clock in the morning and closed at six o'clock in the evening; all which together with the costs of taking said commission, which are four dollars, are respectfully submitted to your Honors.

Given under my hand and seal this twentieth day of September, 1839.

C. H. W. WHARTON, J. Peace.

Questions for Mr. Grouard.

1st. Whether or not it is customary to charge for each order of Congress on reports and documents, when the type are set up but once?

2d. Whether, if a report be ordered by the House, and the same report ordered by the Senate, if you saved the setting up of the type you would not feel at liberty to charge for both orders?

3d. Whether, if a report be printed in pamphlet form, and afterwards printed in the journals or in a volume of documents, you would not feel at liberty to charge twice for composition?

4th. Are the yeas and nays printed in columns in the Journals of Congress, and why so?

In reply to the foregoing queries I state in answer to the first, that it is the practice to charge Congress separately for every order whether the type be set up once or otherwise, as for example the Presidents Messages, which are inserted both in the Journals and in the Documents.

To the 2d question I answer yes. Such has always been the practice. It is a benefit which accrues of right to the printer, and is what he technically terms *fat*.

To the 3d I answer yes.

Answer to the 4th question.—The yeas and nays in the Journals are set in columns in close order. I know of no particular reason for so doing, other than the taste of the printers.

GEO. M. GROUARD,
Foreman of Nat. Intel. office.

Sept. 20, 1839.

Test. C. H. W. WHARTON.

DISTRICT OF COLUMBIA. }
County of Washington, ss. }

Sworn and subscribed to, before me, on this 20th day of September, 1839.

C. H. W. WHARTON. J. Peace.

Mr. John C. Rives will please answer the following questions:

1st. Whether or not it is customary to charge for each order of Congress, on reports and documents, whether the type of the said documents are set up but once?

2d. Whether, for instance, if a report be ordered by the House and the same report ordered by the Senate, if you saved the setting up of the type, you would not feel at liberty to charge for both orders?

3d. Whether, if a report be printed in pamphlet form, and afterwards printed in the Journals or in a volume of Documents, you would not feel at liberty to charge twice for composition?

Answer by Mr. Rives.

I think it unnecessary to answer each interrogatory separately, as they appear to me to ask the same information in different ways, and one answer will be a reply to each and all of them. It has been the uniform practice to charge for composition, or setting up the type for each and every Document, Report, Journal, &c. ordered to be printed by either house of Congress, no matter whether the printer has the type standing or not. This has certainly been the practice during the last twenty years, which is as far back as I have examined the printing done for Congress; and I presume it was the practice prior to that time, for I do not suppose, that any Congress would require a different course, and if it did, I think that no printer would submit to it. The printer, in order to profit by the transfer of type already set up, from one document to another, in most cases, purchases more type than is absolutely necessary to do the public printing. They enabled him to keep type standing for another document, already ordered, or which he expects will be ordered, and to do the work in a shorter time than he could otherwise do it. The legislature, the people at any rate, profit by the document being printed promptly. Would any one wish or expect the printer to lose for this saving to the country? for lose he would certainly, if he had purchased an extra fount of type to keep it standing for a document, and then did not get paid for the composition of that document. I will now give an example of the transfer of types from one document to another, in the Congressional printing, which will support and illustrate all I have said, and will, probably, cover all the contested points in the case of the State of Indiana vs. Bolton & Livingston. The President's an-

nual message and the accompanying documents, made to Congress at any session, is invariably ordered to be printed by both Houses. When one person or one company, is printer for both houses, this document is set up but once, and the printer gets pay for both composition and press work from both bodies. All the alteration that is made in the types, is, to change the heads from the House to the Senate, or from the Senate to the House document, if the Senate copies are printed first. This is not all; after the documents for both houses are printed, the President's Message is transferred to the Journals of both Houses, and the printer gets paid for the composition of it in both. So, in this case, the printer gets paid for the composition of the President's Message and accompanying documents (which of late years makes between 700 and 800 pages,) twice; and for the President's Message alone *four times*, when the type were actually set up but once. During the last Congress, Mr. Blair and myself, were printers to the Senate. In some cases, when we had printed documents for the Senate, they wished extra copies before we had taken down the types, and I agreed to print them without charging for composition a second time. But, whenever there was no special agreement on the subject, I always felt myself at liberty to charge for *composition*, no matter whether the types were standing or not.

JOHN C. RIVES.

Test, C. H. W. WHARTON.

DISTRICT OF COLUMBIA, }
Washington County, to wit. }

I, William Brent, Clerk of the Circuit Court of the District of Columbia for the county of Washington, hereby certify that Charles H. W. Wharton Esq., before whom the aforesaid depositions were made, and who has thereto subscribed his name, was at the time thereof a Justice of the Peace in and for the County and District aforesaid, duly commissioned and qualified.

In testimony whereof, I have hereunto subscribed my name and [L. s.] affixed the seal of the said Court at the City of Washington, this 20th day of September, 1839.

W. BRENT, Clerk.

THE STATE OF INDIANA, }
Marion County, Sct. }

I, Robert B. Duncan, Clerk of the Marion Circuit Court, hereby certify that the foregoing is a true copy of the depositions of George M. Grouard and John C. Rives, taken on the part of the defendants in the suit in said Court, wherein the State of Indiana is plaintiff and

Nathaniel Bolton and John Livingston are defendants, and which are now on file in the same.

In testimony whereof, I have hereunto affixed the seal of said Court and subscribed my name, at Indianapolis, this January 4th, 1840.

R. B. DUNCAN.

OFFICE OF THE OHIO STATESMAN. }
Columbus March 2, 1839. }

MESSRS. BOLTON AND LIVINGSTON:

DEAR SIRS:—We received a letter from Mr. Geo. Pattison, requesting us to write you in relation to the practice of charging for certain kinds of printing done for the Legislature of this State, which we proceed to give.

The *Yeas and Nays* are printed at present in the Legislative Journals of this State *in solid*, which has generally been the custom. In the Journal of 1819, however, the *yeas and nays* were printed double columns. There is certainly no impropriety in printing them in columns;—indeed we think it would be an improvement over the present custom, as the names of the members would much more readily strike the eye set in that form. The *yeas and nays* in the Congressional Journals are set in columns for this very purpose, as we understand.

In relation to printing Reports, Documents, Messages, &c. &c. it has always been the practice in this State to charge for the composition of them as often as they are ordered to be printed, whether the type is distributed or not. In this way composition is sometimes charged for three times:—1st, for the usual number of copies ordered—2d, for the extra copies, if any are ordered—and 3d, when the same matter goes into the Legislative Journal, or Volume of Public Documents; as the case may be. There is certainly no impropriety in this, for if the Printer would, each time the matter is used, distribute his type and set it up again, as he has a perfect right to do, no one would have the hardihood to doubt the justice of the charge—Indeed, this is the long established rule of the *craft*, and any other mode of charging would be an innovation that would not be submitted to. This rule is adhered to when work is done for private individuals, and charged by the *ems*, and it would be strange indeed if it were not enforced on work done for a Legislative body. To enable the printer to save the matter in the manner above referred to, particularly where there is much printing to do, he must provide himself with a large amount of materials, and for the extra expense thereby incurred, he expects to reap the benefit of the matter saved from distribution.

The proceedings of the Legislature of your State in relation to the manner of charging for the public printing, as stated by Mr. Pattison,

is of such a novel character—so manifestly unjust—so unprecedented—and so preposterous, that were it not well authenticated, we could scarcely give it credence. But we have no doubt, that upon a fair and full investigation of the case by *competent men, who have a knowledge of the printing business*, you will be fully sustained.

We are, very respectfully,

Your obt. serv'ts.

S. MEDARY AND BROTHERS.

P. S. In the Legislative Journals of New York, the yeas and nays are printed in columns.

Mr. Garrigus moved that the report be laid upon the table, and two hundred copies be printed.

Mr. Robinson of Ripley called for a division of the question, and the question was put, on laying the report upon the table, and decided in the affirmative.

On the question, shall the two hundred copies of the report be printed,

The ayes and noes being requested thereon, the vote was taken and there not being a quorum present,

On motion,

The House adjourned until two o'clock. P. M.

Two o'clock P. M.

The House met pursuant to adjournment.

Mr. Hamer, on leave, introduced

No. 358, a bill for the benefit of the assessor of Lawrence county;

Which was read three several times and passed, the rule being dispensed with.

Ordered, That the clerk inform the Senate thereof.

Mr. Fitch, on leave, introduced No. 359.

Mr. Porter moved to take from the table No. 278, a joint resolution, in relation to an appointment of an agent to examine the condition of the State Bank;

Which motion was decided in the affirmative.

Mr. McGaughey moved to strike out of the resolution the name of Ellwood Fisher, and insert the name of Robert Dale Owen;

Mr. Berkshire called for a division of the question, and

The question was taken, on striking out of the name of Ellwood Fisher,

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Baker, Berkshire, Bowles, Buckles, Carlton of L., Carleton of F., Clark, Davis, Edmonson, Everts, Fitch, Flint, Foster, Frisbie, Garrigus, Haddon, Hamer, Herriman, Hull, Lanius, Lee, Long, McCormack, McCoy, McGaughey, Miller, Milroy, Monroe, Montgomery, Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of F., Osborn, of U., [Perry, Perviance, Porter, Rippey, Robinson of Rush, Rush, Sands, Shiveley, Southard, Sweetser, Warriner, Wilson of W., and Worster—48.

Those who voted in the negative were:

Messrs. Albertson, Allison, Atherton, Beckett, Bell, Bennett, Burke, Campbell, Cogswell, Cooper, Cox, Dunn, Eccles, English, Finch, Hunt of J., Hunt of R., Jackson, Jenckes, Jones, Judah, Lane, Lancaster, Morgan, Osborn of C., Parker, Robinson of J., Robinson of Rush, Spann, Thompson, Wilson of M., Woodard, Zenor, and Mr. Speaker—35.

So the name of Ellwood Fisher was stricken out.

Mr. Miller moved to insert the name of Robert Dale Owen,

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Arnold, Baker, Beckett, Buckles, Carlton of L., Clark, Cogswell, Davis, Eccles, Edmonson, English, Fitch, Flint, Foster, Frisbie, Garrigus, Haddon, Hamblen, Herriman, Hull, Johnson, Lane, Lanius, Lee, Long, McCormack, McCoy, McGaughey, Miller, Milroy, Monroe, Montgomery, Moore of V., Morrison, Nelson of M., Osborn of F., Osborn of U., Osborn of C., Perry, Perviance, Porter, Rippey, Robinson of Rush, Sands, Shiveley, Southard, Stewart, Warriner, Wilson of W., Worster, Zenor, and Mr. Speaker—52.

Those who voted in the negative were:

Messrs. Allison, Atherton, Bell, Bennett, Berkshire, Bowles, Burke, Campbell, Carleton of F., Coats, Cooper, Cox, Dunn, Everts, Finch, Hamer, Hunt of J., Hunt of R., Jackson, Jenckes, Jones, Judah, Lancaster, Morgan, Nelson of B., Parker, Robinson of J., Robinson of Ripley, Rush, Spann, Thompson, Wilson and Woodard—33.

So the name of Robert Dale Owen was inserted.

Mr. Porter moved to amend the joint resolution, so as to allow said examiner, for his services, the sum of three dollars per day, for the time he may be necessarily engaged in effecting said examination:

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Allison, Arnold, Baker, Beckett, Bowles, Buckles, Carlton of L., Clark, Coats, Cogswell, Conaway, Cooper, Davis, Dunn, Eccles, Edmonson, English, Flint, Foster, Frisbie, Garrigus, Haddon, Hamblen, Henley, Herriman, Hull, Hunt of J., Hunt of R., Jenckes, Johnson, Lane, Lanius, Lee, Long, McCormack, McCoy, McGaughey, Miller, Milroy, Monroe, Moore of V., Morrison, Nelson of M., Osborn of C., Osborn of F., Osborn of U., Perry, Perviance, Porter, Rippey, Robinson of J., Robinson of Rush, Sands, Shively, Southard, Stewart, Wilson of W., Worster, and Mr. Speaker—60.

Those who voted in the negative were:

Messrs. Atherton, Bell, Bennett, Berkshire, Burk, Campbell, Carleton of F., Cox, Everts, Finch, Haymer, Jackson, Jones, Judah, Lancaster, Montgomery, Morgan, Nelson of B., Parker, Robinson of Ripley, Rush, Spann, Thompson, Wilson of M., Woodard, and Zenor—25.

So said amendment was adopted.

Mr. Edmonson moved that the rule be suspended, and the joint resolution be considered as engrossed, and read a third time now.

Mr. Bowles moved further to amend, by striking out the words, "report as soon as practicable to this House," and inserting "report to the next session of the General Assembly;"

Which amendment was adopted.

Mr. Bowles, moved that the joint resolution be recommitted to a select committee, with instructions to amend its provisions generally;

Which motion was decided in the affirmative.

Messrs. Bowles, Albertson and Cutter were appointed said committee.

Mr. Milroy moved to suspend the rule for the purpose of introducing a resolution,

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Arnold, Bennett, Bowles, Carlton of L., Clark, Cogswell, Conaway, Davis, Eccles, Edmonson, English, Frisbie, Garrigus, Haddon, Hamer, Hamblen, Henley, Herriman, Hull, Johnson, Jones, Lane, Lanius, Lee, McCormack, McCoy, Miller, Milroy, Monroe, Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of F., Osborn of U., Perry, Rippey, Sands, Shiveley, Southard, Stewart, Warriner, Wilson of W., Worster Zenor, and Mr. Speaker—44.

Those who voted in the negative were:

Messrs. Allison, Atherton, Baker, Beckett, Bell, Berkshire, Buckles, Burke, Campbell, Carleton of F., Coats, Cooper, Cox, Cutter, Dunn, Everts, Finch, Flint, Foster, Hunt of J., Hunt of R., Jackson, Jenckes, Judah, Lancaster, Long, Montgomery, Morgan, Osborn of C. Parker, Robinson of J., Robinson of Ripley, Rush, Spann, Thompson, Wilson of M., and Woodard—38.

So the rules were suspended.

Mr. Milroy then introduced the following resolution; which was adopted, to wit:

Resolved, That the clerk of the House of Representatives be instructed to respectfully request the Senate to return a bill of the House, passed on this day, and reported to the Senate, entitled "an act supplemental to an act to amend the law concerning domestic attachment and for other purposes.

A message from the Senate by Mr. Test their Secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives, that the Senate has passed an engrossed bill of the House, as follows, to wit:

No. 280, an act relative to the New Albany and Vincennes McAdams road, and for the better regulation thereof,

With amendments, in which the concurrence of the House is respectfully requested.

On motion,

The amendments were concurred in.

Ordered, That the clerk inform the Senate thereof.

A message from the Governor by Mr. Moore his private Secretary:

MR. SPEAKER—

I am directed by the Governor to inform the House of Representatives, that on yesterday he approved and signed bills entitled acts as follows, to wit:

An act to incorporate the Lawrenceburgh and Napoleon turnpike company;

An act to amend an act entitled "an act to incorporate the Indiana Mutual Fire Insurance company," approved January 30, 1837;

An act to authorize Osborn & Chamberlain, late printers to the House of Representatives of the State of Indiana, or either of them to sue the State;

An act creating the county of Benton and for other purposes;

An act to allow further time to the Lawrenceburgh and Indianapolis railroad company to settle up and close their affairs;

An act to authorize the relocation of the state road passing through the town of Rising Sun in the county of Dearborn;

An act to confirm the title made by Harriet M. Williams and Thomas H. Williams, minors, to certain real estate therein designated;

An act declaring certain names therein mentioned misprints;

An act concerning the estate of Benjamin F. Butts deceased;

An act for the relief of R. and H. Stewart;

An act for the relief of Julia A. Wernwag;

An act to regulate the jurisdiction of justices of peace in county of Hamilton;

An act to change the name of the town of Paris in Lawrence county to that of Bryantsville;

An act to appropriate a part of the three per cent fund of Ripley county and for other purposes;

An act to incorporate the Greensburgh and Vernon turnpike company;

All of which originated in the House of Representatives.

Mr. Osborn of F., made the following report:

MR. SPEAKER—

The joint committee on enrolled bills report, that they have compared the enrolled with the engrossed bills of the Senate, of the following titles, to wit:

No. 133, an act for the relief of Eldred Huff, collector of Hendricks county;

No. 52, an act defining the boundaries of Jay county;

No. 148, an act to amend the several acts for the promotion of schools and education in Clark's Grant, and in reference to the school fund in Clark county;

A memorial and joint resolution to the Congress of the United States, on the subject of the Cumberland road; and find the same truly enrolled.

Whereupon the Speaker signed the same.

Ordered, That the Clerk carry the same to the Senate for the signature of their President.

The House again proceeded to the consideration of the revenue bill—the pending question being, on concurring in the amendment made in committee of the whole, striking out the words “forty cents”—the amount of tax to be levied.

Mr. Cutter moved a call of the House; which motion did not prevail.

On the question, shall said amendment made in committee of the whole be concurred in?

The ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Allison, Baker, Bell, Bennett, Berkshire, Bowles, Buckles, Burke, Campbell, Carlton of L., Clark, Conaway, Davis, Dunn, Eccles, Edmonson, English, Fitch, Foster, Frisbie, Garrigus, Haddon, Hamer, Hamblen, Henley, Herriman, Hull, Hunt of J., Hunt of R., Jackson, Johnson, Jones, Lane, Lancaster, Lanius, McCoy, Miller, Monroe, Montgomery, Moore of O., Moore of V., Morgan, Morrison, Nelson of B., Osborn of F., Osborn of U., Perry, Per-
viance, Porter, Rippey, Robinson of Ripley, Robinson of Rush, Sands, Shiveley, Southard, Stewart, Warriner, White, Worster, Zenor, and Mr. Speaker—61.

Those who voted in the negative were:

Messrs. Arnold, Atherton, Butler, Carlton of F., Cogswell, Cooper, Cutter, Cox, Everts, Farley, Finch, Flint, Jenckes, Judah, Long, McCormack, Milroy, Parker, Robinson of J., Spann, Thompson, Wilson of M., and Woodard—25.

So said amendment was concurred in.

On motion,

The House adjourned until to-morrow morning at nine o'clock.

THURSDAY MORNING, FEBRUARY 20, 1840.

The House met pursuant to adjournment.

Mr. Bowles, from the select committee on that subject, made the following report:

MR. SPEAKER—

The select committee to whom was referred a joint resolution of the House, No. 278, with instructions to amend generally, have had the same under consideration, and directed me to strike the original resolution from the resolving clause, and insert a substitute.

On the question, Shall said amendment be adopted?

The ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Arnold, Baker, Bowles, Buckles, Carleton of F., Carlton of I., Clark, Cogswell, Cutter, Davis, Eccles, Edmonson, English, Farley, Frisbie, Garrigus, Gardner, Haddon, Hamblen, Henley, Herriman, Hull, Hunt of J., Johnson, Lane, Lanius, Lee, Long, McCormack, Miller, Monroe, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of F., Osborn of U., Perry, Perivance, Porter, Rippey, Robinson of Rush, Sands, Shiveley, Southard, Spann, Stewart, Warriner, Wilson of W., and Mr. Speaker—51.

Those who voted in the negative were:

Messrs. Allison, Atherton, Bell, Bennett, Berkshire, Burke, Butler, Campbell, Cooper, Cox, Everts, Finch, Flint, Foster, Hamer, Hunt of R., Jackson, Jenckes, Jones, Judah, Lancaster, McGaughey, Montgomery, Morgan, Osborn of C., Parker, Robinson of J., Robinson of Ripley, Rush, Thompson, Wilson of M., and Woodard—32.

So said amendment was concurred in.

The said joint resolution, to wit:

No. 275, a joint resolution, in relation to the appointment of an agent to examine the condition of the State Bank, was considered as engrossed, read a third time and passed.

During the action on this resolution, the Speaker laid before the House, a communication from Mr. White, announcing his resignation as a member of the present General Assembly.

Mr. Southard, on leave granted, (Mr. Moore of O. being in the chair,) offered the following resolution; which was adopted without dissent, to wit:

Resolved unanimously, That the thanks of this House be presented to James G. Read, Esq., for the impartial, able, and dignified manner in which he has discharged the duties of Speaker of the House of Representatives, during the present session of the General Assembly.

Mr. Morrison, on leave granted, offered the following resolution; which was adopted, to wit:

Resolved, That the chief engineer be requested to lay before this House, without delay, the number of officers and their salaries respectively who are still retained as engineers in the service of the State; and the number of persons and their salaries, who are now in any other capacity, connected with the engineer department, or Board of Internal Improvement, also the number of officers and other persons with their salaries whose services can be dispensed with, and at what time, now acting under the direction of the chief engineer, or of any of the resident or assistant engineers, or Board of Internal Improvement.

On motion of Mr. Bowles,

The revenue bill was again taken under consideration.

Mr. Robinson of Ripley moved the following amendment:

Insert immediately after the word at, in the 5th line of the fourteenth section, the following: fifty cents in the counties within the borders of which any of the following public works are located, to wit: The Wabash and Erie Canal with the extension thereof, the Central canal, the Madison and Lafayette rail road, the White Water canal, the Cross Cut canal, the McAdamized road from New Albany to Vincennes, the improvement of the Wabash river, the McAdamized road from Jeffersonville to Crawfordsville, and twenty-five cents in the balance of the counties in the State; and strike out one dollar in the seventh line of the section, and insert one dollar poll tax on the poll in the counties within the borders of which any of the foregoing public works are located, and fifty cents poll tax on the poll in the balance of the counties in this State.

Mr. Albertson moved to amend the amendment, by striking out so much thereof as relates to the New Albany and Vincennes road;

Which amendment to the amendment was not adopted.

On the question, Shall the amendment be adopted? it was decided in the negative.

Mr. Southard now moved to fill the blank in the fourteenth section with "fifteen cents."

Mr. Moore of V. proposed "25 cents."

Mr. Lane proposed "ten cents."

Mr. Cogswell proposed "thirty cents."

Mr. Parker proposed "thirty-nine cents."

Mr. Carlton of L. proposed "seven cents."

On the question, Shall "thirty-nine cents" be inserted,

The ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Arnold, Atherton, Carlton of F., Cooper, Cox, Cutter, Everts, Flint, Jenckes, Long, McCormack, Parker, Robinson of J., Thompson, Woodard—16.

Those who voted in the negative were:

Messrs. Albertson, Allison, Baker, Beckett, Bell, Bennett, Berkshire, Bowles, Buckles, Burke, Campbell, Carlton of L., Clark, Cogswell, Davis, Dunn, Eccles, Edmonson, English, Farley, Fitch, Foster, Frisbie, Garrigus, Hadden, Hamer, Hamblen, Henley, Herrinan, Hull, Hunt of J., Hunt of R., Jackson, Johnson, Jones, Lane, Lancaster, Lanius Lee, McCoy, McGaughey, Miller, Milroy, Monroe, Montgomery, Moore of O., Moore of V., Morgan, Morrison, Nelson of B., Nelson of M., Osborn of C., Osborn of F., Osborn of U., Perry, Perviance, Porter, Rippey, Robinson of Ripley, Robinson of Rush, Sands, Shiveley, Southard, Spann, Stewart, Warriner, Wilson of W., Worster, and Mr. Speaker—67.

So "thirty-nine cents" was not inserted.

Mr. Parker moved to fill the blank with "thirty-five cents,"
And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Arnold, Butler, Carleton of F., Cooper, Cox, Cutter, Everts, Finch, Flint, Jenckes, Johnson, Judah, Long, McCormack, McGaughey, Parker, Robinson of J., Thompson, Wilson of M., and Woodard—20.

Those who voted in the negative were:

Messrs. Albertson, Allison, Atherton, Baker, Beckett, Bell, Bennett, Berkshire, Bowles, Buckles, Burke, Campbell, Carlton of L., Clark, Cogswell, Davis, Dunn, Eccles, Edmonson, English, Farley, Fitch, Foster, Frisbie, Garrigus, Haddon, Hamer, Hamblen, Herriman, Hull, Hunt of J., Hunt of R., Jackson, Jones, Lane, Lancaster, Lanius, Lee, McCoy, Miller Milroy, Monroe, Montgomery, Moore of O., Moore of V., Morgan, Morrison, Nelson of B., Nelson of M., Osborn of C., Osborn of F., Osborn of U., Perry, Perviance, Porter, Rippey, Robinson of Ripley, Robinson of Rush, Rush, Sands, Shively, Southard, Spann, Stewart, Warriner, Wilson of W., Worster, Zenor, and Mr. Speaker—69.

So "thirty-five cents" was not inserted.

On the question, Shall the blank be filled with "thirty cents,"
The ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Allison, Arnold, Baker, Bell, Berkshire, Bowles, Butler, Carlton of F., Cogswell, Cooper, Cox, Cutter, Dunn, Everts, Finch, Flint, Foster, Hamer, Hamblen, Herriman, Hull, Hunt of J., Hunt of R., Jackson, Jenckes, Johnson, Judah, Lancaster, Lee, Long, McCormack, McGaughey, Miller, Milroy, Morgan, Nelson of M., Osborn of F., Parker, Rippey, Robinson of J., Rush, Spann, Thompson, Warriner, Wilson of M., and Woodard—47.

Those who voted in the negative were:

Messrs. Albertson, Atherton, Beckett, Bennett, Buckles, Burke, Campbell, Carlton of L., Clark, Davis, Eccles, Edmonson, English, Fitch, Frisbie, Garrigus, Haddon, Henley, Jones, Lane, Lanius, McCoy, Monroe, Montgomery, Moore of O., Moore of V., Morrison, Nelson of B., Osborn of C., Osborn of U., Perry, Perviance, Porter, Robinson of Ripley, Robinson of Rush, Sands, Shively, Southard, Stewart, Wilson of W., Worster, and Mr. Speaker—42.

So "thirty cents" was inserted.

Mr. Robinson of Ripley moved to strike out of the 14th section, the words, "one dollar" in reference to a poll tax.

Mr. Herriman moved to amend said amendment, by inserting "fifty cents."

Mr. Moore of O. proposed thirty-seven and a half cents.

A division of the question being called for, the question was taken on striking out "one dollar" and decided in the affirmative.

On the question, shall "fifty cents" be inserted? it was decided in the affirmative.

Mr. Fitch moved further to amend the bill as follows, to wit:

"Sec. 2d. in third line, after 'the State of Indiana,' insert 'except Wabash and Erie canal lands;'"

Which amendment was not adopted.

Mr. Fitch moved the following amendment, to wit:

"Sec. 2d, in third line, after 'the State of Indiana,' insert, 'except Wabash and Erie canal lands, sold since February 1st, 1834, and previous to the passage of the revenue law of 1839;'"

Which amendment was not adopted.

Mr. Bowles moved to amend the bill, by adding the following additional sections, to wit:

Sec. 17. That the third and sixth sections of the act entitled "an act to modify the plan of carrying on the public works, and to secure the ultimate completion thereof," approved January 27, 1839, be and the same are hereby repealed.

Sec. 18. That the second section of an act to reduce the board of fund commissioners, approved Feb. 14, 1839, be and the same is hereby repealed.

Sec. 19. That from and after the first day of March 1840, the present board of internal improvement be and the same is hereby dissolved.

Sec. 20. There shall be elected by joint viva voce vote of both Houses, one commissioner and two engineers, one of whom shall be the acting commissioner on the Wabash and Erie canal, and shall perform all the duties, possess all the powers of the former board, and shall serve for the term of three years; and before entering on their duties, shall each take an oath of office.

Sec. 21. That from and after the first day of March 1840, the present board of fund commissioners be and the same is hereby dissolved.

Sec. 22. There shall be elected by joint viva voce vote of both houses, one person who shall possess all the powers and perform all the duties of the present fund commissioners, and before entering on his duties shall take an oath of office, and serve for the term of two years.

Sec. 23. That the fund commissioner, before entering on the duties of his office, shall give bond in the sum of one hundred thousand dollars, to be approved by the Governor.

Sec. 24. That the commissioner and each engineer hereby created, shall give bond in the sum of ten thousand dollars, to be approved by the Governor.

Sec. 25. That it shall be the duty of the Treasurer of State to sign

all bonds, bills, and checks, or other evidence of the debt on the part the State, before the same can be countersigned or sold by the fund commissioner, and it shall be the further duty of the Treasurer of State to keep a true account of all, bonds, bills, checks, and other evidences of debt by him so signed, and report the same to the Legislature annually within five days after the commencement of the session.

Sec. 26. The bonds executed by the several officers created by this act shall be filed in the office of the Secretary of State.

Sec. 27. The commissioner, and engineers created by this act shall each receive the sum of one thousand dollars in full for their services per annum.

Sec. 28. The fund commissioner hereby created shall receive the sum of one thousand dollars in full for his service per annum, and all necessary expenses to be paid when without the State, in the discharge of the duties of his office.

Mr. Albertson moved to amend the amendment, by striking out the words "one thousand" and inserting "eight hundred"—the salaries of the engineers and commissioner;

Which amendment was not adopted.

Mr. Moore of O. moved to amend the amendment, in relation to the fund commissioners, by inserting the words, "not exceeding one dollar and fifty cents." for contingent expenses;

Which amendment was not adopted.

Mr. Edmonston moved to amend the amendment, in reference to the fund commissioner, by giving him a salary of fifteen hundred dollars per annum, as a full compensation for his services;

Which amendment was adopted.

Mr. Cutter moved to amend the amendment, by making it imperative on the officers therein created, to receive the pay for their services in treasury notes;

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Allison, Arnold, Atherton, Baker, Bennett, Berkshire, Butler, Campbell, Cogswell, Cooper, Cox, Cutter, Dunn, Eccles, Finch, Flint, Hamer, Hamblen, Jackson, Jones, Judah, Lancaster, Long, McGaughey, Montgomery, Moore of O., Moore of V., Morgan, Osborn of C., Osborn of F., Parker, Perviance, Robinson of J., Robinson of Ripley, Rush, Shively, Thompson, Woodard and Worster—38.

Those who voted in the negative were:

Messrs. Albertson, Bell, Bowles, Buckles, Burke, Carleton of F., Carlton of L., Clark, Edmonson, Everts, Farley, Fitch, Foster, Frisbie, Garrigus, Haddon, Hull, Hunt of J., Hunt of R., Jenckes, Lane, Lanius, Lee, McCormack, McCoy, Miller, Milroy, Monroe, Morrison, Nelson of B., Nelson of M., Osborn of U., Perry, Porter, Rippey,

Robinson of Rush, Sands, Southard, Spann, Stewart, Wilson of M., and Mr. Speaker—42.

So said amendment was not adopted.

On the question, shall Mr. Bowles's amendment be adopted?

The ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Bennett, Bowles, Buckles, Carlton of L., Clark, Davis, Dunn, Eccles, Edmonson, English, Fitch, Foster, Frisbie, Garigus, Haddon, Hamer, Hamblen, Henley, Hull, Hunt of J., Hunt of R., Jones, Lane, Lanius, McCoy, Miller, Milroy, Monroe, Montgomery, Moore of O., Moore of V., Morrison, Nelson of B., Osborn of C., Osborn of U., Perry, Perviance, Porter, Robinson of Ripley, Robinson of Rush, Sands, Shiveley, Southard, Spann, Stewart, Warriner, Worster, Zenor and Mr. Speaker—50.

Those who voted in the negative were:

Messrs. Allison, Arnold, Atherton, Baker, Bell, Berkshire, Burke, Butler, Campbell, Carleton of F., Cogswell, Cooper, Cox, Cutter, Finch, Flint, Jackson, Jenckes, Judah, Lancaster, Lee, Long, McCormack, McGaughey, Morgan, Nelson of M., Osborn of F., Parker, Rippey, Robinson of J., Rush, Thompson, Wilson of M., and Woodard—34.

So said amendment was adopted.

On motion,

The House adjourned until two o'clock, P. M.

Two o'clock, P. M.

The House met pursuant to adjournment.

Mr. Carleton of F., on leave, introduced No. 360.

Mr. Atherton, on leave granted, made the following report:

MR. SPEAKER—

The select committee to whom was referred a petition of James Beason and others, in regard to repealing an act providing for a more uniform mode of doing township business, approved February 17th, 1838, so far as relates to Madison county, have had the same under consideration and directed me to report the following bill, to wit:

No. 361, a bill to repeal an act providing for a more uniform mode of doing township business, approved February 17th, 1838, so far as relates to Madison county;

Which was read three several times and passed, the rule being suspended.

Ordered, That the Clerk inform the Senate thereof.

On motion of Mr. Bowles, the revenue bill was again taken under consideration.

Mr. Jones moved further to amend the second section of the bill, by adding thereto the following:

"That all improvements on lands subject to taxation, by this act, are hereby exempt from taxation, town lots excepted."

Mr. Stewart moved to amend the amendment, by striking out so much as relates to town lots; when

Mr. Nelson of B., moved the previous question, which being seconded by a majority of the House, was put, to wit: Shall the main question be now put? and decided in the affirmative.

The main question, to wit: Shall the bill be engrossed for a third reading? was put,

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Baker, Beckett, Berkshire, Bowles, Buckles, Campbell, Carlton of L., Clark, Cogswell, Cooper, Davis, Dunn, Eccles, English, Foster, Garrigus, Gardner, Harner, Hamblen, Herriman, Hensley, Hull, Hunt of J., Hunt of B., Lanius, Long, McCormack, McCoy, McGaughey, Miller, Milroy, Monroe, Moore of O., Morrison, Nelson of B., Osborn of F., Osborn of U., Perry, Perviance, Porter, Rippey, Robinson of Rush, Shiveley, Southard, Spann, Stewart, Warriner, Worster, and Mr. Speaker—49.

Those who voted in the negative were:

Messrs. Albertson, Atherton, Bell, Bennett, Burke, Butler, Carleton of F., Cox, Cutter, Edmonson, Everts, Farley, Finch, Fitch, Flint, Frisbie, Haddon, Jackson, Jenckes, Jones, Lane, Lancaster, Montgomery, Moore of V., Morgan, Osborn of C., Parker, Robinson of J., Robinson of Ripley, Rush, Sands, Thompson, Wilson of M., Woodard, and Zenor—30.

Mr. Bowles moved that the bill be read a third time now;

Which motion was decided in the affirmative.

The bill was then read a third time; when

Mr. Jones moved to recommit the bill to a select committee, with the following instructions:

Add, at the end of the second section, the words following: "That all improvements on lands subject to taxation by this act are hereby exempt from taxation, town lots excepted."

Mr. Bowles moved the previous question; which being seconded by

a majority of the House, was put, to wit: Shall the main question be now put? and decided in the affirmative.

The main question, to wit: Shall the bill pass? was put,
And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Arnold, Baker, Beckett, Bowles, Buckles, Campbell, Clark, Cogswell, Cooper, Davis, Eccles, Foster, Garrigus, Gardner, Hamer, Hamblen, Herriman, Hull, Hunt of J., Hunt of R., Lanius, Lee, Long, McCormack, McCoy, Miller, Milroy, Moore of O., Moore of V., Morrison, Nelson of B., Osborn of F., Osborn of U., Perry, Perviance, Rippey, Robinson of Rush, Shiveley, Southard, Spann, Stewart, Warriner, Wilson of W., Worster, and Mr. Speaker—46.

Those who voted in the negative were:

Messrs. Alberson, Atherton, Bell, Bennett, Berkshire, Burke, Butler, Carleton of F., Carlton of L., Cox, Cutter, Dunn, Edmonson, English, Everts, Farley, Finch, Fitch, Flint, Frisbie, Haddon, Jackson, Jenckes, Jones, Lane, Lancaster, McGaughey, Montgomery, Morgan, Osborn of C., Parker, Porter, Robinson of J., Robinson of Ripley, Rush, Sands, Thompson, Wilson of M., Woodard, and Zenor—38.

So said bill passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Everts, on leave, introduced No. 362, a bill for a certain State road therein named;

Which was read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Morgan moved to take up No. 348, a bill to establish certain State roads therein named and for other purposes;

Which motion was decided in the affirmative; when

Mr. Hunt of R., moved to strike out the 56th section;

Which motion was decided in the negative.

Mr. Hunt of R., then moved to strike out so much of said section as relates to Randolph county;

Which motion did not prevail.

Mr. Montgomery moved to amend the bill by adding the following as an additional section, to wit:

“That the sum of \$400 be, and the same is hereby appropriated out of the three per cent. fund, belonging to the county of Warren, and also so much of the the amount of road tax, arising by the taxation of non-resident lands now in the hands of the treasurer of said county of Warren, as may be due to Pine township, for the purpose of building a bridge across Big Pine creek at the town of Rainesville in said county, under the superintendence of Syria Aldritch, who is hereby appointed a commissioner to superintend the construction of the same; the said four hundred dollars to be paid out of the first money

that may be due said county, after paying over all the sums that have heretofore been appropriated."

On the question, Shall said amendment be adopted? it was decided in the affirmative.

Mr. Wilson of M., moved to strike out the 73d section;

Which motion was decided in the affirmative.

The bill was then ordered to be engrossed for a third reading; and

On motion,

The rule was suspended, the bill read a third time and passed.

A message from the Senate, by Mr. Test their Secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives, that the Senate has passed engrossed bills and a joint resolution of the House as follows, to wit:

No. 233, an act to annex all that part of East Knightstown, lying east of Blue River to the town of Raysville;

No. 239, an act for the relief of Loyd Wedding, of Daviess county;

No. 265, an act for the relief of certificate holders to certain school lands in Monroe county;

No. 288, an act to vacate a certain State road in the county of St. Joseph;

No. 291, a joint resolution relative to the publication of the reports of the Auditor and Treasurer of State with the general acts of the General Assembly;

Each without amendment.

A message from the Senate, by Mr. Test their Secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House, that the Senate has receded from their amendment to the Resolution of the House to adjourn sine die on the 24th inst.

Also, I am directed by the Senate to return the bill of the House on this day, and report it to the Senate entitled "an act supplemental to an act to amend the law concerning domestic attachments, and for other purposes,"—agreeably to the request of the House.

Also the Senate recedes from its amendment to the bill of the House No. 8, entitled

"An act to recover the value of sheep killed by dogs."

Mr. Milroy moved to reconsider the vote on the passage of the bill mentioned in the message relative to domestic attachments;

Which motion was decided in the affirmative.

On motion,

The bill was recommitted to a select committee; and

Messrs. Lane, Parker, and Robinson of J., were appointed said committee, who immediately reported the same back with several amendments;

Which were concurred in by the House; and

On the question, shall said bill pass? it was decided in the affirmative.

Ordered, That the clerk inform the Senate thereof.

Mr. Long, on leave granted, from the committee of ways and means, reported

No. 363, a bill making specific appropriations for the year 1840;

Which was read a first and second times, the rule being suspended; when

On motion of Mr. Long.

The House resolved itself into a committee of the whole, on said bill.

Mr. Bell in the chair; and after some time spent therein, the Speaker resumed the chair, and Mr. Bell reported, that the committee, according to order had the said bill under consideration; had made some progress therein; but not having time to go through the same, reported progress and asked leave to sit again;

Which leave was granted by the House.

Mr. Lancaster moved to take under consideration, bill of the House No. 84, to incorporate the city of Richmond in Wayne county;

Which motion was decided in the affirmative.

The amendments of the Senate, made to said bill were concurred in by the House,

Ordered, That the Senate be informed thereof.

Mr. Milroy, on leave granted, made the following report:

Mr. SPEAKER—

The select committee, to whom was referred, the petition of sundry citizens, of Carroll county, praying the relocation of a part of a certain State road in said county; and its location on a certain route, and also a remonstrance against such certain location, have had the same under consideration, and directed me to report the following bill, viz:

No. 364, a bill to authorize the relocation of a part of a certain State road in Carroll county, therein named;

Which was read a first time, and passed to a second reading.

A message from the Senate by Mr. Test their Secretary:

Mr. SPEAKER—

I am directed by the Senate to inform the House of Representatives, that the Senate has passed an engrossed bill of the House, as follows, to wit:

No. 247, an act to authorize Daniel J. Hanceck, and Isaac Hancock

to build a toll bridge across South Hogan creek, in Dearborn county, with an amendment, in which the concurrence of the House is respectfully requested;

Also, the Senate has passed an engrossed bill thereof, as follows, to wit:

No. 156, an act to amend "the act to incorporate the town of Rome in Perry county.

In which also, the concurrence of the House is respectfully requested.

The amendment of the Senate, to bill of the House No. 247, mentioned in the message, was concurred in.

Bill of the Senate, No. 156, mentioned in the message was read three several times, and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Everts, on leave granted, made the following report:

MR. SPEAKER—

The committee on canals and internal improvement have had under consideration a bill, No. 347, to provide for the further prosecution of the Erie and Michigan canal, and have directed me to report the same back to the House, and recommend that the consideration thereof be postponed until the first Monday in December next.

The report was concurred in; and

On motion,

The bill was postponed accordingly.

Mr. Thompson, on leave granted, introduced

No. 365, a joint resolution on the subject of agriculture;

Which was read three several times and passed,

Ordered, That the clerk inform the Senate thereof.

Mr. Morgan, on leave granted introduced the following resolution; Which was adopted, to wit:

Resolved, That it shall be the duty of the Door-keeper to return all the parts of Journals, furnished the members of this House, to the printer, to have the same completed; and if any member has lost any portion of the Journal so furnished him, he shall endorse on the title page Incomplete, and it shall be the duty of the Secretary of State, in making distribution of the Journals, to retain such incomplete copies in the State Library, unless the printer can replace the pages missing.

On motion,

The House adjourned until to-morrow morning at nine o'clock.

FRIDAY MORNING, FEBRUARY 21, 1840.

The House met pursuant to adjournment.

A message from the Senate, by Mr. Test their Secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives, that the Senate has passed engrossed bills of the House as follows, wit:

No. 131, an act to amend an act, entitled "an act to incorporate the town of Indianapolis, approved Feb. 17th, 1838.

No. 153, an act, to incorporate the White Lick commercial company.

No. 207, an act to incorporate the Deerfield, Albany, and Marion Turnpike company.

Each with amendments, in which the concurrence of the House is respectfully requested.

Also, the Senate has passed engrossed bills thereof follows, to wit:

No. 71, an act to amend an act entitled "an act authorizing the sale of certain school lands therein named and for other purposes, approved January 1st, 1838.

No. 89, an act compiling all the laws heretofore passed, concerning the surplus revenue distributed to Indiana, and applicable to the support of common schools.

In which also, the concurrence of the House is respectfully requested.

The amendments of the Senate to bills of the House, Nos. 131, 153 and 207 were severally concurred in by the House.

Bill No. 71, of the Senate, mentioned in the message, was read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

Bill No. 89, mentioned in the message, was read a first time, when Mr Judah moved that said bill be rejected.

Mr. Jones, on leave granted, made the following report:

MR. SPEAKER—

The select committee to which was referred the resolution of the House to ascertain whether the public printer to the House of Representatives at their session of 1837-8 has repaid to the Treasurer of State the sum of \$861 18 by them improperly charged for printing done for the House at that session, and also what amount said printer charged for newspapers furnished to the members of the last General Assembly; also, what the editors of the Journal charged for newspapers furnished the last General Assembly,

REPORT:

That in pursuance of said resolution they addressed a note to the Secretary of State, the officer whose duty it is made by law, to examine and certify all printing accounts against the State, and whose duty it was made by a law of the last General Assembly, to have suit brought against John Livingston and N. Bolton, the defaulting printers referred to in the resolution, which note is in the following words: and being document marked A. On the 13th of January, the following answer to the above note of the committee was received, and marked B.

By the foregoing answer of the Secretary it will be seen that it is true that Bolton & Livingston, printers for the House of Representatives of 1837-8, did overcharge and draw from the Treasury, \$861 18 more than they were entitled to under their contract with the State. That this amount is ascertained to be correct, by a long and laborious examination made under oath, by Messrs. David V. Culley, at present the Register of the Land office at Indianapolis, a practical printer, a leading political friend of the printers, and a gentleman of unimpeachable veracity, and Wm. Hannaman, a practical printer for many years in Indianapolis, of as unquestionable veracity as Mr. Culley, and in politics a Whig. Their report of their examination in the case not to be inserted, and your committee have accordingly appended it to this report, marked C.

By the letter of the Secretary it appears also that suit has been brought against Bolton & Livingston for their defalcation, according to the requisitions of the law of last session. In relation to the latter branch of enquiry contained in the resolution, it will be seen by reference to the Secretary's letter, that for papers furnished last General Assembly, John Livingston charged and received upon his certificate \$684. That Douglass & Noel charged and received for papers, \$675.

The difference between the charges for the same number of papers furnished at the same price as per their agreement, is \$9. The difference being small, the Secretary has kindly volunteered to explain it away by supposing Messrs. Douglass & Noel to have undercharged. This however Messrs. Douglass & Noel, who are interested to the amount of \$9, cannot make out. They have carefully examined their books and their contract, and find that they charged the full amount. The conclusion is therefore forced upon your committee that it is an overcharge of Mr. Livingston's, made through *inadvertence* which he will without doubt correct.

Here, the duties of your committee would seem to end—but the extraordinary position they are made to occupy, by the action of this House, demands some further notice of the subject. The majority of your committee are Whigs; the minority are Van Buren men. This enquiry was proposed by a Whig. Hence if no report had been made by the majority, who favored the enquiry, the minority would have had no right to complain.

It was however always the intention of the majority to report to the House the facts of the case, but finding on examination of the Secretary's letter, that suit had been brought for the amount of the defalcation, they were aware that no further legislative action could be had, and did not therefore hurry in their report to the neglect of their other more important duties, which they had to discharge in the House. Also, by a special request of one of the minority of your committee, did not convene until a late period of the session.

But it seems that the minority, (two out of five of a committee) have been authorized by the House to make a *report*, not a *counter* report, but to report as if they were a majority. Why this unparliamentary and unprecedented proceeding was had is not for your committee to say. Let the strict party majority vote of this House which gave the minority that right, and the report of the minority on the subject *answer*. To him whose soul is not absorbed in partisan strife it will ever be viewed as a beacon to warn future legislators against the danger of blind idolatry to party.

The minority have not only tried, but determined without evidence, that Bolton and Livingston owe nothing, but that the State is really largely their debtors for their shrewdness in charging and receiving from the State the sum of \$861,180 as is clearly shown by document C.

Your committee deem that they have a legitimate right to notice the report of the minority.

The first position assumed by the minority is "that Messrs. Cully and Hannaman were not governed by precedent and custom, in determining the manner the public printing should be done, and a single journal printed in Indiana many years ago at Corydon, the manner of printing in Ohio and at Congress, are relied on as proof of this assertion. Your committee would not insult the good sense of this House by laboring to disprove this assertion for it is known to the House, that the Journals of each branch of the Legislature have been printed from time immemorial, and even by Messrs. Bolton and Livingston themselves, just as Messrs. Cully and Hannaman measured, viz. The ayes and noes were printed in lines, instead of stringing them down in rows, and by reference to the journal of 1837 and '8 itself, it will be seen that was only just about the time that they were defeated for publick printers that they made the discovery that it was "*tastey*," to copy after Congress by stringing down 100 names in rows, and charge for it as solid matter. But this is not all to say nothing of the *half* pages, and large spaces left unnecessarily between subjects. A great fraud is practised on the State by their shortening their pages, viz: reducing them in length, and then charge as if they were of the usual length. Besides the immense loss of paper sustained by the State.

This will only appear by reference to Messrs. Cully and Hannaman's report, (see Journal H. of R., 1839, page 622.) where the State that Bolton and Livingston charged for 828 pages of Journal when it only made 621 pages, if it had been properly printed, viz: as they themselves printed it the year before.

If this species of fraud has been practised every year by our public printers, then in the language of the minority, "Messrs. Bolton and Livingston did not depart from precedent and custom," but to know that the Journal of 1837 and '8 is printed totally unlike any previous Journal, even they have always printed differently, can be seen at once, by comparing it with the one, they printed the year before, and every year back for many years.

Another point relied on by the minority to sustain Bolton and Livingston and the Secretary of State in allowing the account is the double composition," viz: charge twice for matter set up but once, about this a considerable flourish is made. Your committee conceive they have established the fact, that journeymen printers charge for composition twice where the matter is set up but once, but it also establishes another fact of importance in the case.

It establishes the fact, that the Secretary felt it his duty according to custom to deduct from Douglass and Noel's account, this charge, when he did not in 1838 deduct it from Bolton and Livingston. Your committee will be explicit. In the report referred to of the minority, the following is found: "Mr. S. V. B. Noel in reply to the question, "Have you not charged for type set and printed in a volume of the laws, and charged again for setting up the type for the same law, amounting to from 15 to 30 pages, thus charging for setting up the type twice when in fact it was only set once?" states: "We made the charge, but it was not allowed by the Secretary." The reason of its not being allowed is found in the examination of Mr. Brown. He states that the printers to the Senate charged for composition twice upon the revenue bill, and surplus revenue acts. The first matter was first set up for the laws, and then made up again and published in pamphlet form. This account under the direction of the House, I refused to allow, because they were advised in the first instance that an extra number in pamphlet form was to be published.

Your committee now refer you to a resolution of the House, Dec. 29, 1837, directing the printers (Bolton & Livingston) to print on all orders of the House of Representatives an over number of 300 copies for a Documentary Journal this it would seem was directions as strong as the Secretary's to Mr. Noel.

But Mr. Livingston charged for setting up twice on each order sent him after that, though he had printed it all at once. In short, notwithstanding this order of the House, he charged double composition on the whole Documentary Journal, and the Secretary allowed it. For this overcharge Messrs. Culley and Hannaman deducted \$394 40 cents. Now, Mr. Livingston cannot plead ignorance of this order. He cannot even say that he paid journeymen twice for the excess of 300 copies which was printed at the time the order of the House was filled. Nor can the Secretary plead the course pursued by Congress, where printing costs over half a million of dollars, as an apology for his not being as vigilant with Livingston as he was with Noel.

As to the newspaper account of Bolton & Livingston for 1837-8, it is clearly shown that they charged over and above their own contract

\$147 75. The minority think that their paper was some larger than the "Journal," and that they were excusable for charging that amount more than they agreed to take. It is to be hoped, however, that conclusions so grave will not hereafter be made by publishers of papers, for if the act of Livingston is to be held up as passive and worthy, others may follow in the footsteps of this illustrious predecessor and plead the authority of the minority report as justification.

There is one other view of this subject your committee will take before leaving it. It is this—to say nothing of the fraudulent extension of the ayes and noes, the extraordinary large spaces left, amounting generally to one half page, the short pages, and every other method which enabled the printer to get pay for printing 828 pages when he should have printed the same matter, even if he had done as he did the year before, on 621; to which should be added at least \$300 worth of paper wasted in this way.

The truth stands out that Mr. Livingston has received for double composition on Documentary Journals \$394 40; he overcharged for his paper \$147 75; making in these two items alone, \$542 15. This by the process of white washing with coon tails cannot be explained away even by Congress or Ohio printers.

He cannot plead ignorance nor the want of directions as to the first charge, but your Whig committee think it possible he may have forgotten his contract with the State (and the Secretary his duty) as to the papers. The Secretary's examination went far enough to see that it was made out by Mr. Livingston's foreman.

In conclusion, your committee ask leave to be discharged from the subject, trusting that the assertions of Bolton & Livingston's lawyers, who are relied upon by the minority as good authority for supposing the State will recover nothing, will not be verified, and have directed me to introduce the following resolution, and earnestly request its adoption.

W. JONES, Chairman.
JAS. F. BECKETT.
ELIJAH BELL.

A

HALL OF HOUSE OF REPRESENTATIVES, }
January 4th, 1840. }

Hon. Wm. J. Brown,
Secretary of State.

SIR: An inquiry has been made in the House of Representatives as to the facts of the case relative to Bolton and Livingston as printers for the State for 1837 and 8; overdrawing upon your certificate the sum of \$861 18, from the State Treasury; and the amount was allowed by you to said printer and to the editors of the Journal last year, for their newspapers for the last General Assembly. We have, as the committee appointed by the House of Representatives, on the subject, thought that you would be the proper officer to whom to apply, for the information wanted, as you are the State officer, whose duty it is to allow these accounts. Will you therefore favor the committee as soon as possible with your answers to the following inquiries.

First. Whether you did yourself examine the account of Bolton and Livingston at the time you certified to its correctness.

Second. Was said account examined and measured by Messrs. Culley and Hannaman, under oath, at the last session of the General Assembly, and if so, does it appear by their report, that John Livingston, one of said printers for 1837 and 8, did overdraw on your certificate, the sum of \$861 18.

Third. Are Messrs. Culley and Hannaman practical printers, and do you believe from your knowledge of the men, that they would do strict justice both to the State and Bolton and Livingston.

Fourth. Has Bolton and Livingston refused to pay said sum of \$861 18, if so, has suit been commenced against them.

Fifth. If suit has been commenced against Bolton and Livingston has it been brought to a final issue, and if not, why has it not been.

Sixth. Please state what amount you certified as due John Livingston for his paper, "Indiana Democrat," furnished the last General Assembly; also, what amount you certified as due Douglass and Noel, for their paper "Indiana Journal" furnished the last General Assembly.

Succinct answers are respectfully requested to the above inquiries.

Respectfully yours,

WM. JONES, chairman.

B

OFFICE OF SECRETARY OF STATE.

Hon. Wm. Jones, chairman, &c.]

In answer to your first interrogatory "whether you did yourself examine the account of Bolton and Livingston, at the time you certified to its correctness." I will state that the account was made out by George Pattison, foreman in the office of Messrs. Livingston and Bolton and examined by myself, and having previously ascertained that it was customary for journeyman printers, to charge for composition when the matter was only transposed from one form of a document to another, and that such accounts were allowed to the printers to Congress and the public printers of Ohio. I allowed the same and certified to its correctness.

For answer to your second question, "was said account measured by Messrs. Culley and Hannaman under oath at the last session of the General Assembly, and if so, does it appear by their report, that John Livingston, one of the printers of 1837-8 did overdraw on your certificate the sum of \$861 18." I would respectfully refer you to the report of the committee on that subject at the last session of the General Assembly, not having been present I do not know any thing in relation to the matter from my personal knowledge.

To the third interrogatory, "are Messrs. Culley and Hannaman practical printers, and do you believe from your knowledge of the men, that they would do strict justice both to the state and Bolton & Livingston." I can only state that I have been informed that they are practical printers, but that neither of them have for several years been engaged in the business. I believe them to be honest men, and men who would be disposed to do justice in any matter submitted to their discussion.

To the fourth and fifth interrogatories, "whether Bolton and Livingston have refused to pay the amount found against them by the investigating committee, and if so, whether suit has been commenced and the result, &c." I will state that after having the act requiring me to collect the amount of \$861 18, for an overcharge made by them for the public printing for the year 1837-8 made out and published as required by that act. I demanded the amount above specified which they refused to pay, and accordingly on the 13th day of April last suit was commenced against them. And here I beg leave to state that a delay of near one month in the commencement of the suit was occasioned by the resignation of William Quarles, Esq., the prosecuting attorney, who resigned his office on the 18th of March, and the vacancy was not filled until the 13th day of April ensuing; at which time Mr. J. Peaslee, Esq., received the appointment, and suit was immediately commenced. I find by reference to the records of the Marion circuit court, that at the May term this cause was contin-

ued, by agreement of the parties with leave to take depositions, &c., at the last term this cause was again continued, as appears by record, with leave for the plaintiff to amend his declaration. After having given the papers over to the prosecuting attorney, I left the whole matter of the suit with him. Messrs. Livingston and Bolton having employed several attorneys of character and standing for legal attainments, I felt myself bound by a strict regard for the interest of the State, and believing that the case would be attended with some difficulty to employ counsel to assist Mr. Peaslee in the prosecution of the cause, and accordingly employed Mr. Quarles, a lawyer of respectable standing, who had been previously consulted by myself relative to the case, to aid in the prosecution. The amount of the account of John Livingston for three numbers of the Democrat furnished semi-weekly to the Senate and its officers, amounts to one hundred and fifty-nine dollars. The amount of the account to the House and its officers, for five numbers of the semi-weekly Democrat is five hundred and twenty-five dollars, making in the whole the sum of six hundred and eighty-four dollars.

The account of Messrs. Douglass and Noel is for papers furnished the legislative generally, and amounts to six hundred and seventy-five dollars, an undercharge of nine dollars if they furnished officers of both Houses.

All of which is respectfully submitted.

WM. J. BROWN, Sec'y of State.

Secretary's office, Jan. 13, 1840.

C.

Account of Messrs. Bolton & Livingston, late Printers to the House of Representatives, is composed of the following items:

1st. Documents and Reports printed for use of the House, (41 in number,) making, agreeably to our calculation, 1,057,667 ms, at 62½ cents per 1000,	\$661 04
Press work on same, 317 tokens, at 62½ cents per token	198 12½
2d. Documentary Journal, excluding from calculation, matter set up after the adoption of resolution of 29th Dec., (page 150 House Journal,) 438,394 ms, at 62½ cents per 1000	273 99
Press work on same, 125 tokens, at 62½ cents per token	78 12½
3d. Regular Journal, deducting from the 828 pages of text one fourth, or 207 pages, for improper blanking of	

matter, leaving 621; to which add 77½ pages index, 13 do for figure, and 29 for rule and figure, making in all 740½ pages, which multiplied by 1560, gives 1,155,180 ms, at 62½ cen'ts per 1000, is - - - 721 93

Press work on same, 332 tokens, at 62½ per token - - - 207 50

4th. Catalogue of Books. 25 pages figure - - - \$44 04

5th. Order of business, standing committees, - - - 3 21

6th. Press work on broadside to above - - - 93

7th. Ayes and noes printed 3 times, and press work - - - 19 91

68 09

8th. Order of Business and Rules, and 10 bills printed for House, containing in all 365,040 ms. at 62½ per 1000 228 15

9th. Press work on same, 74 tokens broadside, at 93½ per token, is - - - 69 39½

10th. Newspapers furnished members, 775 for 11 weeks, twice a week is 17,050, at 5½ cents, is - - - 937 75

11th. Publishing law respecting holding courts in the 5th judicial circuit, Feb. 16—6 squares - - - 3 00

12th. Publishing law respecting Coms. of Kosciusko county, Jan. 19—7 squares - - - 3 50

13th. Rules and Regulations for State Library, 1500 Nos. 2 00

14th. Reprinting 1st form Annual Report Board Internal Improvement - - - 9 04

Total amount of bill as calculated - \$3,461 66

Aggregate of ms in the above, from No. 1 to

3, inclusive, 2,651,241, at 62½ cents per 1000 is \$1,657 01

Aggregate of tokens in same, 774, at 62½ per token, is - - - 483 75

Add amount of items from No. 4 to 14, inclusive, as above - - - 1,320 90

\$3,461 66

Corresponding to above amount.

We deem it proper here to observe that, in the examination of the items or charges comprising the above account, we have had much difficulty in determining the precise amount of work on which the calculations, in justice to the State and the printers, ought to be made; and hence, as the items Nos. 1, 2, and 3 include the heavy part of the work, on which the reductions have been made, it may not be amiss to notice each, more fully than above:—

The first item (No. 1.) includes the *Documents and Reports*, printed separately for the use of the House, (41 in number.) These were examined with care—many times twice, (as the same work often appeared in the bill of Douglass & Noel;) and the result is a reduction on the bill rendered, the sum of \$106 88. This variation arises mainly

in over charges on composition.—Some documents having been improperly blanked to count eight pages instead of four, and more figure, and rule, and figure work counted than they contained.

The remark made upon item No. 3, in Douglass & Noel's bill, for printing *Documents and Reports*, we consider applicable, and desire may be applied to the above, and therefore ask a reference to it.

The 2d item (No. 2,) comprises what is called the *Documentary Journal*. In estimating the value of work upon it, we were induced to make a considerable reduction, and for this reason mainly:—A resolution of the House of the 29th Dec. 1837, (to which we would refer you,) directs the printers to print, on all orders of the House of Representatives, an over number of 300 copies for a documentary journal. Considering that the printers followed the instructions given, we excluded from our calculation of the composition in the *Documentary Journal* all matter set up *after* the date of the resolution; which, as it was *all* charged, shows a variation from the bill the sum of \$394 40. The press work on the same is not varied from the amount in the bill.

The 3d item (No. 3,) is composed of the regular *Journal of the House*. In this our calculation falls below the amount charged in the bill, the sum of \$276 90. This disparity arises, mainly in calculating the text matter of the *Journal* at 621 pages—believing from an average estimate of many pages, that it does not contain more, properly arranged. For the probable truth of this calculation, we ask a reference to the *Journal* itself.

To the item No. 10, (for newspapers,) we would apply the remark, as in the bill of Douglass & Noel. In the items above, this one is carried out in the terms of the bill of Messrs. Bolton & Livingston, at \$937 75. At our estimate, alluded to, it amounts to \$790—less than the amount charged the sum of \$147 75.

The balance of the items in the account, Nos. 4, 5, 6, 7, 8, 9, 11, 12, 13, and 14, are given in the terms of the bill, without variation, as no copies or evidence was adduced to us by which to estimate their correctness.

Having now closed the examination of Mr. Livingston & Bolton's account for printing, the result may be given thus:

Amount of bill rendered, certified and paid	\$4,239 84
From which deduct, as per calculations above, on No. 1, 2, and 3, - - - - -	\$778 18
Deduct excess of charge on newspaper, allowing our calculation to be correct - - -	147 75
Total of reduction - - - -	\$925 93

Which, taken from the sum rendered, will leave \$3,313 91

Shewing an overpayment to Messrs. Livingston & Bolton, agreeably to our calculation, of \$925 93.

In closing this report, we would observe, that however much the

calculations on the bills submitted vary from the amount charged; and, as a consequence, however much the accuracy of these estimates may be questioned, yet for ourselves we can honestly say we have endeavored to do justice in the premises; and shall regard it as no impeachment of our integrity or mechanical skill, if the parties interested ask, that their bills be submitted to other and abler (not more disinterested) judges.

Very respectfully submitted,

DAVID V. CULLEY,
WM. HANNAMAN.

Indianapolis, January 28, 1839.

On motion,

Said report and accompanying documents were laid upon the table.

Mr. Jones also reported,

No. 366, a joint resolution in relation to the public printer;

Which was read a first and second times, the rule being suspended, when

Mr. Henley moved to amend the same, by adding thereto the following:

“And also with Douglass & Noel, printers to the Senate, according to said prices of Stacy & Williams;”

Which amendment was adopted.

Mr. Moore of O., moved to strike out the preamble to the resolution,

And the ayes and noes being requested thereon.

Those who voted in the affirmative were:

Messrs. Arnold, Baker, Bowles, Buckles, Carleton of F., Carlton of L., Clark, Cogswell, Eccles, Edmonson, English, Farley, Fitch, Foster, Frisbie, Garrigus, Garduer, Haddon, Hamblen, Henley, Herri-man, Hull, Hunt of J., Johnson, Lane, Lanius, Lee, Long, McCoy, Miller, Milroy, Monroe, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of F., Osborn of U., Perry, Perviance, Porter, Rippey, Robinson of Rush, Sands, Shiveley, Southard, Spann, Stewart, Warriner, Worster, and Mr. Speaker—52.

Those who voted in the negative were:

Messrs. Allison, Atherton, Beckett, Bell, Bennett, Berkshire, Burke, Butler, Campbell, Cooper, Cox, Dunn, Everts, Finch, Flint, Hamer, Hunt of R., Jackson, Jenckes, Jones, Judah, Lancaster, McCormack, McGaughey, Montgomery, Morgan, Osborn of C., Parker, Robinson of J., Robinson of Ripley, Rush, Thompson, Wilson of M., and Woodard—33.

Mr. Foster moved that the joint resolution be laid upon the table, And the ayes and noes being requested thereon.

Those who voted in the affirmative were:

Messrs. Buckles, Carlton of L., Clark, Cogswell, Eccles, English, Farley, Foster, Lee, Monroe, Perry, Spann, and Stewart—13.

Those who voted in the negative were:

Messrs. Allison, Arnold, Atherton, Baker, Bell, Bennett, Bowles, Burke, Butler, Campbell, Carleton of F., Cooper, Cox, Dunn, Edmonson, Everts, Finch, Fitch Flint, Frisbie, Garrigus, Gardner, Hadden, Hamer, Hamblen, Henley, Herriman, Hull, Hunt of J., Hunt of R., Jackson, Jenckes, Johnson, Jones, Judah, Lancaster, Long, McCoy, McGaughey, Miller, Milroy, Montgomery, Moore of O., Moore of V. Morgan, Morrison, Nelson of B., Nelson of M., Osborn of C., Osborn of F., Osborn of U., Parker, Perviance, Porter, Rippey, Robinson of J., Robinson of Ripley, Robinson of Rush, Rush, Sands, Shiveley, Thompson, Warriner, Wilson of M., Worster, Zenor, and Mr. Speaker—67.

The joint resolution was then ordered to be engrossed and read a third time, the rule being suspended.

On the question, Shall said joint resolution pass?

The ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Allison, Atherton, Baker, Beckett, Bell, Bennett, Berkshire, Bowles, Burke, Butler, Campbell, Carleton of F., Cogswell, Cooper, Cox, Dunn, Eccles, Everts, Finch, Flint, Garrigus, Gardner, Hadden, Hamer, Hamblen, Henley, Hull, Hunt of J., Hunt of R., Jackson, Jenckes, Johnson, Jones, Judah, Lancaster, Long, McCoy, McGaughey, Miller, Milroy, Montgomery, Moore of O., Morgan, Morrison, Nelson of B., Nelson of M., Osborn of C., Osborn of F., Osborn of U., Parker, Perry, Perviance, Porter, Rippey, Robinson of J., Robinson of Ripley, Robinson of Rush, Rush, Sands, Shiveley, Southard, Thompson, Warriner, Wilson of M., Woodard, Zenor, and Mr. Speaker—68.

Those who voted in the negative were:

Messrs. Buckles, Carlton of L., Clark, Edmonson, English, Farley, Foster, Frisbie, Lane, Lanius, Lee, McCormack, Monroe, Moore of V. Spann, and Stewart—16.

So said joint resolution passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Judah offered for adoption the following resolution:

Resolved, That the Fund Commissioners inform this House as soon possible whether any, or if any, what Branches of the State Bank of

Indiana advanced money to the State, for the prosecution of the public works in August, September, October, or November last, and what amount each Branch advanced, and upon what authority.

Mr. Henley moved to amend the resolution, by inserting the following, after the words "November last"—"beyond the amount provided by the Fund Commissioners for internal improvement purposes."

Which amendment was adopted.

The resolution was then adopted.

Mr. Edmonson made the following report:

MR. SPEAKER—

The select committee to whom was referred a bill of Senate, No. 147, to regulate vending merchandize at auction, have had the same under consideration, and directed me to report the same with one amendment, and ask the concurrence of the House.

The amendment was concurred in, and the bill read a third time; when

Mr. Stewart moved to recommit the bill to a select committee, with instructions to except incorporated towns;

Which motion did not prevail.

On the question, Shall said bill pass?

The ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Allison, Atherton, Baker, Beckett, Bell, Bennett, Berkshire, Bowles, Buckles, Butler, Campbell, Carlton of L., Cooper, Cox, Cutter, Dunn, Eccles, Everts, Farley, Finch, Fitch, Flint, Frisbie, Gardner, Haddon, Hamer, Jenckes, Johnson, Jones, Lancaster, Lanius, Long, McCormack, McCoy, McGaughey, Miller, Milroy, Moore of O., Moore of V., Morgan, Nelson of B., Osborn of C., Osborn of F., Osborn of U., Parker, Perry, Robinson of Ripley, Robinson of Rush, Rush, Sands, Shiveley, Southard, Wilson of M., Woodard, and Zenor—54.

Those who voted in the negative were:

Messrs. Albertson, Arnold, Clark, Edmonson, English, Foster, Garrigus, Hamblen, Henley, Herriman, Hull, Judah, Lane, Lee, Monroe, Morrison, Rippey, Robinson of J., Spann, Stewart, and Mr. Speaker—21.

So said bill passed.

Ordered, That the clerk inform the Senate thereof.

The Speaker laid before the House, a communication from the Chief Engineer, on the subject of the Engineer Department, &c.

Mr. Morrison moved that two hundred copies be printed and forwarded to the members of this House;

Which motion was decided in the affirmative.

Mr. Parker made the following report:

MR. SPEAKER—

The judiciary committee to whom was referred "a joint resolution in relation to the expenditures attendant upon the issue of Treasury Notes and for other purposes," numbered 360, have had the same under consideration, agreeably to order, and have directed me to report the same back to the House without amendment, and recommend its passage.

The question recurring on the passage of the bill, it was decided in the affirmative.

Ordered, That the clerk inform the Senate thereof.

Mr. Fitch introduced

No. 367, a bill appointing surplus revenue agents for the year 1840;

Which was read a first and second times, the rule being suspended, and amended in several particulars; when

Mr. Bennet moved to strike out the name of Joseph Anderson, and insert James Perry;

Which was not adopted.

The rule was further suspended, and the bill read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Long, from the committee of ways and means, introduced

No. 368, a bill making general appropriations for the year 1840;

Which was read three several times and passed, the rule being suspended.

Ordered, That the clerk inform the Senate thereof.

A message from the Senate, by Mr. Test their Secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives, that the Senate has passed an engrossed bill of the House as follows, to-wit:

No. 45, an act to amend an act subjecting real and personal estate to execution, approved February 4, 1831;

With an amendment in which the concurrence of the House is respectfully requested.

Mr. Bennett moved to amend the amendment of the Senate, by adding the following proviso; concurred in:

Provided, That upon all judgments affected by the provisions of this act, such judgment shall draw from the rendition thereof until dis-

charged, the same rate of interest that had been agreed upon at the time of making the contract, provided such rate of interest shall not exceed ten per cent. per annum.

On the question, Shall said amendment to the amendment be adopted? it was decided in the negative.

The amendment of the Senate was then concurred in by the House.

Ordered, That the clerk inform the Senate thereof.

On motion,

The House adjourned until two o'clock, P. M.

Two o'clock P. M.

The House met pursuant to adjournment.

A message from the Senate, by Mr. Cathcart a member:

MR. SPEAKER—

The Senate having passed an engrossed bill thereof, No. 150, entitled "an act to amend the several acts for the collection of the revenue and to repeal an act to provide a fund to encourage common schools, approved February 2d, 1832, and an act in furtherance thereof, approved February 7th, 1835; approved February, 1839;

I am directed to bring the same to the House of Representatives and to ask their concurrence therein.

The bill was read a first and second times, the rule being suspended; and

On motion,

Laid upon the table.

A message from the Senate by Mr. Test their Secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives, that the Senate has passed an engrossed preamble and joint resolution No. 143, entitled "a preamble and joint resolution in relation to the northeastern boundary;"

In which the concurrence of the House is respectfully requested.

The joint resolution was read a first time; when

Mr. Cooper moved to suspend the rule and read the joint resolution a second time now;

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Baker, Beckett, Bell, Bowles, Buckles, Burke, Campbell, Carleton of F., Clark, Cogswell, Cooper, Edmonson, English, Fitch, Foster, Frisbie, Garrigus, Gardner, Hamer, Henley, Herriman, Hull, Hunt of J., Lane, Lanius, Lee, Long, McCormack, McCoy, Miller, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of C., Osborn of F., Osborn of U., Perry, Perviance, Porter, Rippey, Robinson of J., Robinson of Ripley, Rush, Sands, Shiveley, Southard, Spann, Stewart, Thompson, Warriner, Zenor, and Mr. Speaker.—55.

Those who voted in the negative were:

Messrs. Arnold, Bennett, Berkshire, Butler, Carlton of L., Cox, Dunn, Eccles, Farley, Finch, Flint, Haddon, Hamblen, Jackson, Jenckes, Jones, Judah, Lancaster, McGaughey, Monroe, Montgomery, Morgan, Parker, Robinson of Rush, Wilson of M., and Woodard—25.

So the rule was suspended, and the bill read a second time; when Mr. Judah moved that it be postponed until the fourth Monday of March, 1841,

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Butler, Lancaster, McGaughey, Parker, Robinson of Rush, Thompson, and Wilson of M.,—9.

Those who voted in the negative were:

Messrs. Albertson, Arnold, Atherton, Baker, Beckett, Bell, Berkshire, Bowles, Buckles, Burke, Campbell, Carleton of F., Carleton of L., Clark, Cogswell, Cooper, Davis, Eccles, Edmonson, English, Finch, Fitch, Flint, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamer, Hamblen, Henley, Herriman, Hull, Hunt of J., Hunt of R., Jackson, Jenckes, Johnson, Jones, Lane, Lanius, Lee, Long, McCormack, Morrison, Nelson of B., Nelson of M., Osborn of C., Osborn of F., Osborn of U., Perry, Perviance, Porter, Rippey, Robinson of J., Robinson of Ripley, Rush, Sands, Shiveley, Southard, Spann, Stewart, Warriner, Woodard, Zenor, and Mr. Speaker—71.

So the joint resolution was not so postponed.

The joint resolution was then read a third time and passed.

Ordered, That the clerk inform the Senate thereof

A message from the Senate by Mr. Test their Secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that the Senate has passed an engrossed joint resolution No. 158, entitled "a joint resolution relative to saline and seminary lands,"

In which the concurrence of the House is respectfully requested.

The joint resolution, mentioned in the message, was read a first and second times, the rule being suspended; when

Mr. Fitch moved to amend by inserting in the 4th line, after the word "it," "by himself if it shall be convenient, consistent with his other duties, if not;"

Which amendment was adopted.

The joint resolution was then read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

A message from the Senate, by Mr. Test their Secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives, that the Senate has passed engrossed bills of the House as follows, to wit:

No. 84, an act to incorporate the city of Richmond in Wayne county;

No. 225, an act to authorize the circuit court of Spencer county to hold an additional term;

Each with amendments, in which the concurrence of the House is respectfully requested.

Also, the Senate has passed engrossed bills of the House as follows, to wit:

No. 72, an act to provide for the election of a justice of the peace in the town of Alexander in Madison county;

No. 326, an act to legalize the recording of the town plat of Marion;

No. 327, an act to authorize certain officers to make certain entries of judgments or papers therein named.

No. 328, an act to incorporate the Adelpian Literary Society of Rockville.

No. 32, an act to incorporate the Clonian band of Rockville.

No. 333, an act to give the board of Commissioners of Spencer county, jurisdiction over a certain portion of Warrick county.

No. 326, an act to repeal an act to incorporate the Noblesville insurance company, each without amendment;

Also; the Senate has passed engrossed bills thereof as follows, viz:

No. 77, an act for the benefit of Maria S. Rush of Dearborn county;

No. 88, an act to prohibit the issuing or circulating small notes, commonly called shin plasters.

No. 103, an act to amend an act regulating, the writ of *ad quod damnum* approved December 20th 1823.

No. 157, act to relocate a State Road in the counties of Gibson and Pike; in which also the concurrence of the House is respectfully requested.

The amendment of the Senate, to bill of the House No. 223, mentioned in the message, was concurred in.

Bill of the Senate, No. 77, mentioned in the message, was read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

Bill of the Senate No. 88, mentioned in the message, was read a first and second times, the rule being suspended; when

Mr. Milroy moved to amend the title, by striking out "shinplasters;"

Which amendment was not adopted.

The bill was then read a third time; and

On the question, shall the bill pass?

The ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Atherton, Baker, Bennett, Berkshire, Buckles, Campbell, Carleton of F., Carlton of L., Clark, Cogswell, Davis, Eccles, Edmonson, English, Farley, Fitch, Foster, Frisbie, Gardner, Garrigus, Haddon, Hamer, Hamblen, Henley, Herriman, Hull, Hunt of J., Hunt of R., Johnson, Lane, Lanius, Long, McCormack, McCoy, Miller, Milroy, Monroe, Montgomery, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of C., Osborn of F., Osborn of U., Parker, Perry, Porter, Rippey, Robinson of J., Robinson of Ripley, Robinson of Rush, Sands, Shiveley, Southard, Spann, Stewart, Thompson, Warriner, Woodard, and Mr. Speaker—63.

Those who voted in the negative were:

Messrs. Bell, Bowles, Burke, Butler, Cooper, Cutter, Coats, Finch, Flint, Jackson, Jenckes, Jones, Judah, McGaughey, Morgan, Rush, Wilson of M., and Worster,—18.

So said bill passed.

Ordered, That the clerk inform the Senate thereof.

Bill of the Senate No. 103, mentioned in the message, was read a first time, and passed to a second reading on to-morrow.

Bill of the Senate No. 157, mentioned in the message, was read a first and second times; when

Mr. Miller moved to amend.

The bill was then read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

A message from the Senate, by Mr. Test their Secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives, that the Senate has passed engrossed bills as follows, to wit:

No. 53, an act to amend an act regulating the summoning and empanneling grand and petit jurors.

No. 54, an act to vacate a part of the town of Shepherdstown.

No. 57, an act to amend an act, entitled "an act to incorporate the Richmond and Boston turnpike Company, approved Feb. 16, 1839.

No. 135, an act amendatory to an act entitled an "act incorporating congressional townships and providing for common schools therein," approved Feb. 17th, 1838.

In which the concurrence of the House is respectfully requested.

Bills of the Senate Nos. 53, 54 and, 57, mentioned in the message, were severally read a first, second and third times, and passed.

Ordered, That the clerk inform the Senate thereof.

Bill of the Senate No. 135, mentioned in the message, was read a first and second times, the rule being suspended; when

Mr. Bowles moved that the bill be laid upon the table;

Which motion did not prevail.

Mr. Perry moved to amend the bill as follows:

"That private schools shall be permitted to draw their *pro rata* proportion of the funds of the township;"

Which amendment was not adopted. Mr. Foster moved to amend by inserting the following: "unless the majority of a district decide to draw their portion of the school fund, to enable them to build their school House;

Which was not adopted,

Mr. Bowles moved that the bill be indefinitely postponed,

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Arnold, Atherton, Beckett, Bell, Bowles, Campbell, Carlton of L., Clark, Davis, Edmonson, English, Foster, Frisbie, Garrigus, Haddon, Hamblen, Henley, Herriman, Miller, Nelson of B., Sands, Spann, and Stewart—22.

Those who voted in the negative were:

Messrs. Albertson, Allison, Baker, Bennet, Berkshire, Burk, Carlton of F. Cogswell, Cooper, Cox, Dunn, Eccles, Everts, Farley, Finch, Gardner, Hamer, Hull, Hunt of J., Hunt of R., Jenckes, Jones, Judah, Lane, Lancaster, Lanius, Lee, Long, McCormick, McCoy, Monroe, Montgomery, Moore of O., Moore of V., Morgan, Morrison, Nelson of M., Osborn of C., Osborn of F., Osborn of U., Parker, Perry, Porter, Rippey, Robiusion of J., Robinson of Ripley,

Robinson of Rush, Rush, Shively, Southard, Thompson, Wilson of M. Woodard, Worster, Zenor and Mr. Speaker.—52.

So said bill was not indefinitely postponed.

Mr. Perry moved to recommit the bill to a select committee;
Which motion was decided in the affirmative.

Messrs. Perry, Albertson, Foster, Everts, Finch, and Woodard were appointed said committee.

A message from the Senate by Mr. Test their Secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that they have passed an engrossed bill thereof,

No. 161, a bill for the relief of Julia Ann Adams, and respectfully ask the concurrence of the House of Representatives.

Bill of the Senate, No. 161, mentioned in the message, was read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

A message from the Senate, by Mr. Baird, a member:

MR. SPEAKER—

The Senate has passed an engrossed bill thereof No. 91, entitled "an act to incorporate the Greensburg School Society" which I am directed to report to the House of Representatives, and respectfully ask their concurrence therein.

Bill No. 91, mentioned in the message, was read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

A message from the Senate, by Mr. Test their Secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives, that the Senate has passed an engrossed bill of the House as follows, to wit:

No. 324, an act to dissolve the present board of Internal Improvement, the Board of Fund Commissioners, and the Engineer department, with an amendment, in which the concurrence of the House is respectfully requested.

Mr. Lane moved to strike out of the amendment one thousand, and insert eight hundred; when

Mr. Fitch moved that the bill and amendment be laid upon the table,

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Allison, Beckett, Bell, Bowles, Buckles, Campbell, Carlton of L., Clark, Davis, Eccles, Edmonson, English, Farlev, Fisher, Fitch, Flint, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamer, Hamblen, Henley, Herriman, Hull, Hunt of J., Lane, Lanius, Lee, Long, McCormack, Miller, Milroy, Monroe, Montgomery, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of U., Perry, Porter, Rippey, Robinson of Rush, Sands, Shiveley, Southard, Stewart, Warriner, Worster and Mr. Speaker—53.

Those who voted in the negative were:

Messrs. Arnold, Atherton, Baker, Bennet, Berkshire, Burke, Butler, Carleton of F., Cogswell, Cooper, Cox, Dunn, Everts, Hunt of R., Jackson, Jenckes, Jones, Judah, Lancaster, McCoy, McGaughey, Morgan, Osborn of C., Osborn of F., Parker, Robinson of J., Robinson of Ripley, Rush, Spann, Thompson, Wilson of M., Woodard and Zenor—33.

So said bill was laid upon the table.

Mr. Burke, on leave granted, from the select committee to whom the subject was referred reported,

No. 319, a bill to provide for the repair of the temporary bridges on the Cumberland road in Indiana;

Which was read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Lee, made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of John T. Ball and others, in relation to the passage of a law requiring all physicians to obtain license before they shall be permitted to practise, have had that subject under consideration, and have directed me to report, that it is inexpedient at this time to legislate upon that subject and ask to be discharged from the further consideration of the same.

The report was concurred in and the committee discharged accordingly.

On motion of Mr. Long,

The House again resolved itself into a committee of the whole House, on the bill making specific appropriations for the year 1840, Mr. Bell in the chair, and after some time spent therein the Speaker resumed the chair, and the chairman reported the bill and amendments to the House and asked its concurrence.

The amendments were severally concurred in, except the one filling the blank with three dollars per day, in the section allowing com-

pensation to witnesses attending before the committee on the State Bank.

Mr. Berkshire moved to strike out "three dollars," in said amendment and insert "two dollars."

A division of the question having been called for, the question was put on striking out "three dollars,"

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Arnold, Bell, Bennett, Berkshire, Buckles, Campbell, Cogswell, Cooper, Davis, Edmonson, Foster, Frisbie, Garrigus, Haddon, Hamer, Hamblen, Herriman, Hull, Hunt of J., Hunt of R., Johnson, Jones, Lee, Miller, Milroy, Montgomery, Moore of V., Nelson of B., Osborn of C., Osborn of F., Osborn of U., Porter, Robinson of Ripley, Sands, Shiveley, Spann—38.

Those who voted in the negative were:

Messrs. Albertson, Atherton, Baker, Beckett, Burke, Butler, Carleton of F., Clark, Cox, Dunn, Eccles, Everts, Farley, Finch, Flint, Gardner, Henley, Jackson, Jenckes, Judah, Lancaster, Lanius, Long, McCormack, McGaughey, Monroe, Morgan, Morrison, Parker, Perry, Robinson of J., Robinson of Rush, Rush, Southard, Thompson, Warriner, Wilson of M., Woodard, Worster, Zenor; and Mr. Speaker—42.

Which did not prevail.

So the words "three dollars" were not stricken out.

The said amendment was then concurred in.

Mr. Jones moved further to amend the bill by adding the following as an additional section, to wit:

Sec. That it shall be the duty of the Treasurer of State in paying the account of John Livingston, printer to the House, to withhold the sum of \$861 18, ascertained by the House, at the last session to have been overpaid him on his former work as printer to the House, until a decision be had of the suit now pending, and if not decided in favor of the State, said amount or so much thereof as shall be found to be his due, shall then be paid over to the said John Livingston.

On the question, Shall said amendment be adopted?

The ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Atherton, Bennett, Cooper, Dunn, Jackson, Jenckes, Jones, Lancaster, Montgomery, Morgan, Parker, Robinson of J., Robinson of Ripley, Rush, Thompson, Wilson of M., and Woodard—18.

Those who voted in the negative were :

Messrs. Albertson, Arnold, Baker, Beckett, Bell, Berkshire, Bowles, Buckles, Campbell, Carlton of L., Clark, Cogswell, Cox, Davis, Eccles, Edmonson, Farley, Fisher, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamblen, Henley, Herriman, Hull, Hunt of J., Johnson, Lane, Lanius, Long, McCormack, Miller, Milroy, Monroe, Moore of O., Moore of V., Nelson of B., Osborn of C., Osborn of F., Osborn of U., Perry, Perviance, Porter, Rippey, Robinson of Rush, Shiveley, Southard, Stewart, and Worster—52.

So said amendment was not adopted.

The bill was then ordered to be engrossed for a third reading.

On motion,

The rule was suspended, and the bill read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Gardner, on leave, offered the following resolution; which was adopted, to wit:

Resolved, That the Secretary of State furnish each member of the House of Representatives with ten printed copies of the titles of the acts and joint resolutions, passed by the present General Assembly, so soon as they can be obtained.

On motion of Mr. Albertson,

Resolved, That should the next conference of the Methodist Episcopal church of the State of Indiana to be holden at Indianapolis next fall, request the use of the Hall of the House of Representatives of the State House for that purpose, that he be directed to grant such request.

A message from the Senate by Mr. Test, their Secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives, that the Senate has passed a joint resolution thereof, as follows, to wit:

No. 159, a joint resolution in relation to money due in the eastern cities and States for State bonds disposed of;

In which the concurrence of the House is respectfully requested.

Also, the Senate has passed an engrossed bill of the House as follows, to wit:

No. 358, an act for the benefit of the assessor of Lawrence county;

With an amendment, in which, also, the concurrence of the House is respectfully requested.

Joint resolution of the Senate, No. 159, mentioned in the message; was read three several times and passed.

The amendment of the Senate to bill of the House No. 358, was concurred in.

Ordered, That the clerk inform the Senate thereof.

Mr. Osborn of C., on leave, introduced

No. 370, a bill for the relief of Mentor Johnson, collector of Clay county;

Which was read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

The House now proceeded to the consideration of bills, &c., on the second reading.

No. 345, a joint resolution relative to the State prison, was read a second time; when

Mr. Gardner moved to strike out the second section;

Which motion was decided in the affirmative.

The joint resolution was then ordered to be engrossed, read a third time and passed, the rule being suspended.

No. 48, a bill of the Senate, to amend an act defining the duties of county treasurers, collectors, &c., approved February 18, 1839;

No. 84, a bill of the Senate, to vacate Georgetown in Hendricks county;

No. 65, a bill of the Senate, to repeal a part of the 50th and 51st sections of an act entitled "an act relating to State roads," approved February 6th, 1837;

No. 106, a bill of the Senate, to amend the several acts of this State relative to the taking up of animals going astray, and water crafts and other articles of value adrift;

Were severally read a first, second and third times and passed, the rule being suspended.

Ordered, That the clerk inform the Senate thereof.

No. 51, a bill of the Senate, relating to tippling houses, was read a second time; when

Mr. Edmonson moved that said bill be indefinitely postponed;

Which motion was decided in the affirmative.

No. 79, a bill of the House, providing for the sale of the Wabash and Erie canal lands, and for other purposes, was taken under consideration; when

Mr. Parker moved that the House adjourn until to-morrow morning at eight o'clock,

The ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Allison, Arnold, Atherton, Baker, Beckett, Bell, Bennett, Berkshire, Burke, Butler, Campbell, Cooper, Finch, Flint, Foster, Hamblen, Hunt of J., Hunt of R., Jackson, Jenckes, Judah, Lancaster, Monroe, Moore of O., Morrison, Parker, Robinson of Ripley, and Woodard—28.

Those who voted in the negative were:

Messrs. Bowles, Buckles, Carlton of F., Clark, Cogswell, Cox, Davis, Dunn, Eccles, Edmonson, Everts, Fitch, Frisbie, Garrigus, Gardner, Haddon, Hamer, Hull, Johnson, Lane, Lanius, Lee, McCormack, Miller, Milroy, Montgomery, Moore of V., Morgan, Nelson of B., Nelson of M., Osborn of F., Osborn of U., Perry, Perviance, Porter, Rippey, Robinson of Rush, Sands, Shiveley, Southard, Stewart, Thompson, Warriner, Wilson of M., Zenor, and Mr. Speaker—45.

So the House did not adjourn.

Mr. Parker then moved that the bill be indefinitely postponed,

And the ayes and noes being requested thereon,

3 4

Those who voted in the affirmative were:

Messrs. Allison, Arnold, Atherton, Beckett, Baker, Bell, Bennett, Burke, Butler, Cogswell, Cooper, Cox, Edmonson, Finch, Flint, Hamblen, Hull, Hunt of R., Jackson, Jones, Lancaster, Morgan, Osborn of F., Osborn of U., Parker, Robinson of Ripley, Robinson of Rush, Sands, and Woodard—29.

Those who voted in the negative were:

Messrs. Berkshire, Bowles, Buckles, Carleton of F., Carlton of L., Clark, Davis, Dunn, Eccles, Everts, Fitch, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamer, Jenckes, Johnson, Lane, Lanius, Lee, McCormack, Miller, Milroy, Montgomery, Moore of V., Nelson of B., Nelson of M., Perry, Perviance, Porter, Rippey, Shively, Southard, Stewart, Thompson, Warriner, Wilson of M., Zenor, and Mr. Speaker—41.

So the bill was not indefinitely postponed.

Mr. Parker moved to strike out the provision which relates to treasury notes.

Mr. Parker moved that the House adjourn until to-morrow morning at eight o'clock,

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Allison, Arnold, Atherton, Baker, Beckett, Bell, Bennett, Burke, Butler, Campbell, Cogswell, Cooper, Cox, Everts, Finch, Flint, Hamblen, Hull, Hunt of J., Hunt of R., Jackson, Jenckes, Lancaster, Moore of O., Morgan, Parker, Robinson of Rush, and Woodard—28.

Those who voted in the negative were:

Messrs. Berkshire, Bowles, Buckles, Carlton of F., Carlton of I., Clark, Davis, Dunn, Eccles, Edmonson, English, Fitch, Frisbie, Gargus, Gardner, Haddon, Hamer, Henley, Johnson, Lane, Lanius, McCormack, Miller, Milroy, Montgomery, Moore of V., Nelson of B., Nelson of M., Osborn of C., Osborn of F., Osborn of U., Perry, Per-
viance, Porter, Rippey, Shiveley, Southard, Stewart, Thompson, War-
riner, Wilson of M., and Mr. Speaker—43.

So the House did not adjourn.

Mr. Lane now moved the previous question which being seconded by a majority of the House, was put, to wit: Shall the main question be now put? and decided in the affirmative.

The bill was then ordered to be engrossed for a third reading on to-morrow.

Mr. Miller, on leave, introduced

No. 371, a bill supplemental to an act amending the act incorporating the town of Princeton, approved December 20, 1838; 3

Which was read three several times, the rule being suspended, and passed.

Ordered, That the clerk inform the Senate thereof.

A message from the Senate by Mr. Test, their Secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives, that the Senate has passed engrossed bills of the House as follows, viz:

No. 212, an act for the relief of John D. Morrison;

No. 240, an act for the relief of Mary M. Holliday;

No. 355, an act supplemental to an act to provide for the inspection of salt, beef, flour, pork, and tobacco;

No. 282, an act for the relief of William B. Campbell;

Each without amendment.

Mr. Osborn of F., made the following report:

MR. SPEAKER—

The joint committee on enrolled bills report, that they have compared the enrolled with the engrossed acts of the following titles which originated in the House of Representatives, to wit:

No. 336, an act to repeal an act to incorporate the Noblesville Insurance company;

No. 326, an act to legalize the recording of the town plat of Marion;

No. 72, an act to provide for the election of a justice of the peace in the town of Alexander in Madison county;

No. 328, an act to incorporate the Adelpian Literary Society of Rockville;

No. 333, an act to give the board of county commissioners of Spencer county jurisdiction over a certain portion of Warrick county;

No. 327, an act to authorize certain officers to reinstate certain judgments and papers which were in the possession and have been destroyed or defaced so as to render them unintelligible;

No. 8, an act to recover the value of sheep killed by dogs;

No. 329, an act to incorporate the Clonian Band of Rockville;

And find the same truly enrolled.

Whereupon the Speaker signed the same.

Ordered, That the Clerk carry the same to the Senate for the signature of their President.

Mr. Osborn of F., made the following report:

MR. SPEAKER—

The joint committee on enrolled bills report, that they did this day present to his Excellency the Governor, for his approval and signature, the following entitled acts and joint resolution, which originated in the House of Representatives, to wit:

No. 329, an act to incorporate the Clonian Band of Rockville;

No. 8, an act to recover the value of sheep killed by dogs;

No. 327, an act to authorize certain officers to reinstate certain judgments and papers which were in the possession and have been destroyed or defaced so as to render them unintelligible;

No. 333, an act to give the Board of county commissioners of Spencer county jurisdiction over a certain portion of Warrick county;

No. 328, an act to incorporate the Adelpian Literary Society of Rockville;

No. 72, an act to provide for the election of a justice of the peace in the town of Alexander in Madison county;

No. 326, an act to legalize the recording of the town plat of Marion;

No. 336, an act to repeal an act to incorporate the Noblesville Insurance company;

No. 197, an act to amend an act entitled "an act to incorporate the town of Jeffersonville;"

No. 233, an act to annex all that part of East Knightstown lying east of Blue river, to the town of Raysville;

No. 239, an act for the relief of Loyd Wedding;

No. 280, an act relative to the New Albany and Vincennes McAdamized road, and for the better regulation thereof, and for other purposes;

No. 291, a joint resolution relative to the publication of the reports

of the Auditor and Treasurer of State with the general and special acts of the legislature.

Mr. Hull, from the joint committee on enrolled bills, made the following report:

MR. SPEAKER—

The joint committee on enrolled bills report, that they have compared the following engrossed bills of the House with the enrolled thereof, and find the same correctly enrolled:

No. 99, an act concerning the tax imposed on lands of non-residents in Pike county, for the purpose of opening and repairing roads and highways;

No. 193, an act to authorize the qualified voters of this State, to vote for or against a convention for a revision of the Constitution of this State;

No. 288, an act to vacate a certain State road in the county of St. Joseph;

No. 249, an act to amend an act entitled "an act granting to the citizens of Madison and the town of Lawrenceburgh a city charter;"

No. 265, an act for the relief of certificate holders to certain school lands in Monroe county;

No. 141, an act to incorporate the city of Fort Wayne;

Whereupon, the Speaker signed the same.

Ordered, That the clerk carry them to the Senate for the signature of their President.

Mr. Morrison made the following report:

MR. SPEAKER—

The joint committee on enrolled bills report, that they have compared the engrossed with the enrolled bills, which originated in the House of Representatives, of the following titles, viz:

No. 280, an act relative to the New Albany and Vincennes McAdamized road and for the better regulation thereof, and for other purposes;

No. 197,, an act to amend an act entitled "an act to incorporate the town of Jeffersonville.

No. 239, an act for the relief of Loyd Wedding;

No. 233, an act to annex that part of East Knightstown, lying east of Blue river, to the town of Raysville;

No. 291, a joint resolution relative to the publication of the reports of the Auditor and Treasurer of State with the general and special acts of the Legislature;

And find the same truly enrolled.

Whereupon,

The Speaker signed said bills.

Ordered, That the Clerk carry the same to the Senate for the signature of their President.

Mr. Morrison made the following report:

MR. SPEAKER—

The joint committee on enrolled bills report, that they have compared the engrossed with the enrolled bill which originated in the Senate, of the following title, viz:

No. 71, an act to amend an act entitled "an act authorizing the sale of certain school lands therein named and for other purposes," approved January 1st, 1838.

And find the same truly enrolled;

Whereupon,

The Speaker signed the same.

Ordered, That the clerk carry them to the Senate for the signature of their President.

Mr. Morrison made the following report:

MR. SPEAKER—

The joint committee on enrolled bills report, that they have compared the following engrossed with the enrolled bill of Senate, viz:

No. 156, an act to amend "an act to incorporate the town of Rome in Perry county," approved February 1st, 1836;

And find the same truly enrolled.

Whereupon,

The Speaker signed the same.

Ordered, That the clerk carry them to the Senate for the signature of their President.

On motion,

The House adjourned until to-morrow morning at eight o'clock.

SATURDAY MORNING, FEBRUARY 22, 1840.

House met pursuant to adjournment.

The House, on motion, proceeded to the consideration of bills on their second reading.

No. 139, a bill of the Senate, relating to state roads, was read a second and third times—the rule being suspended—and passed.

Ordered, That the clerk inform the Senate thereof.

No. 86, a bill to amend the act to regulate general elections, approved February 17th, 1838; was read a second time; when

Mr. Miller moved that the bill be laid upon the table;

Which motion was decided in the negative.

The bill was read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 149, a bill fixing the time of holding the sessions of the Board of Commissioners of Marion county in the year 1840;

No. 144, a bill to incorporate the Indianapolis Typographical Society, were severally read a second and third times and passed.

Ordered, That the clerk inform the Senate thereof.

No. 127, a bill relative to school section No. 16, town. one north, of range 6 west, was read a second time; when

Mr. Miller moved that the bill be laid upon the table;

Which motion was decided in the affirmative.

No. 209, a bill for the better regulation of the militia of the State of Indiana, was read a second time; when

Mr. Lancaster moved that the bill be laid upon the table,

Which motion was decided in the negative.

On the question, shall said bill pass?

The ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Allison, Arnold, Atherton, Bowles, Burke, Butler, Carleton of F., Carlton of L., Clark, Davis, Dunn, Eccles, Edmonson, Farley, Finch, Foster, Frisbie, Garrigus, Gardner, Haddon, Hammer, Hamblen, Hull, Hunt of J., Jones, Judah, Lane, Lee, Long, McCormack, McCoy, McGaughey, Miller, Milroy, Monroe, Moore of O., Morgan, Morrison, Nelson of B., Nelson of M., Osborn of C., Osborn of F., Osborn, of U., Perry, Porter, Rippey, Robinson of J., Robinson of Ripley, Sands, Southard, Spann, Stewart, Thompson, Wilson of M., and Zenor—56.

Those who voted in the negative were:

Messrs. Baker, Bell, Bennett, Berkshire, Buckles, Cogswell, Cooper, Cox, Cutter, Everts, Henley, Herriman, Hunt of R., Jackson, Jenckes, Lancaster, Montgomery, Parker, Robinson of Rush, Rush, Shiveley, Warriner, Worster, and Mr. Speaker—24.

So said bill passed.

Ordered, That the Clerk inform the Senate thereof.

No. 103, a bill of the Senate, to amend an act regulating the writ of *ad quod damnum*, approved December 20, 1823, was read a second time; when

Mr. Lane moved to amend the bill, by adding the following proviso, to wit:

“Provided, That nothing in this act contained, shall be so construed as to injure, or in any way effect any mill or mills, which any person or persons shall or may have erected on his or their land, upon any such stream or streams, either above or below.”

Mr. Miller moved that the bill and amendment be laid upon the table,

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Allison, Baker, Bell, Bowles, Buckles, Carleton of F., Carlton of L., Clark, Cogswell, Davis, Eccles, Edmonson, English, Foster, Frisbie, Garrigus, Hamblen, Henley, Herriman, Hull, Johnson, Lane, Lee, Long, McCormack, McCoy, Miller, Milroy, Monroe, Moore of O., Moore of V., Nelson of M., Osborn of U., Perry, Porter, Robinson of Rush, Sands, Shiveley, Stewart, Warriner, and Worster—43.

Those who voted in the negative were:

Messrs. Arnold, Atherton, Bennett, Berkshire, Burke, Butler, Campbell, Cooper, Cox, Dunn, Everts, Farley, Finch, Haddon, Hamer, Hunt of R., Jackson, Jenckes, Jones, Judah, Lancaster, McGaughey, Montgomery, Morgan, Nelson of B., Osborn of C., Parker, Perviance, Rippey, Robinson of J., Robinson of Ripley, Rush, Southard, Spann, Thompson, Wilson of M., Woodard, Zenor, and Mr. Speaker—39.

So said bill was laid upon the table.

No. 107, a bill of the Senate, providing for selecting, rating, and selling lands yet due on the Wabash and Erie canal, east of the mouth of Tippecanoe river, was read a second time; when

Mr. Parker moved to amend the bill by adding the following additional sections, to wit:

Sec. —. That the board of internal improvement be, and they are hereby authorised to progress with the work on the White Water canal, during the year 1840, to any extent that may be deemed expedient, so that they do not exceed the original appropriation for that canal. *Provided, They can pay contractors for the work that may be hereafter done, in State bonds at par, and at cash prices for work done. And for any work that may be done during the year 1840, no bonds shall be paid out until the 1st day of January, 1841.*

Sec. —. That the board of internal improvement be and they are hereby authorised, to proceed with the work on the Madison and Indianapolis railroad, between Columbus and the Ohio river, in such way as may be deemed expedient; *Provided, It can be done on the proceeds or faith of the bonds sold to a private company, because of the*

appropriation of \$400,000, made for that road at the last session of the General Assembly—and upon terms that would be equivalent to cash paid down for work done.

Sec. —. That the board of internal improvement be and they are hereby authorised, to proceed with the work on the Cross Cut canal, as may be deemed expedient, so that they do not suffer a liability for a greater amount than \$77,000 for work done during the year 1840—which amount is estimated as sufficient to complete said work—and in case said work can be done for State bonds, upon the same terms, and to be paid out at the same time as those for work to be done on the White Water canal.

Sec. —. That so soon as it can be done after providing for a payment in good faith, of the interest on our public debt, from the proceeds of our eastern property and securities, or a sale of State bonds at par for cash, the fund commissioners shall set aside the sum of \$100,000 for the purpose of meeting the engagement of this State with Illinois, as to the improvement of the navigation of the Wabash river.

Sec. —. That in case it can be done with State bonds on the same terms and to be paid out at the same time as those for the White Water and Cross Cut canals—The board of internal improvements are hereby authorised to complete any jobs on the other lines of the public works, that may be deemed important for immediate use; *Provided*, That work shall not be done on either of said lines during the year 1840, to a greater amount than \$5,000.

Mr. Carleton of F. moved to amend the amendment as follows; which was accepted by Mr. Parker, to wit:

“Amend, by extending the provisions of said amendment, as relates to the White Water canal, to the extension of the Wabash and Erie canal, from Tippecanoe to Terre-Haute.

Mr. Milroy moved to commit to a select committee;

Which motion was decided in the affirmative.

Messrs. Milroy, Parker, and Fitch were appointed said committee.

Mr. Parker moved to instruct the committee to incorporate the provisions of his amendment, previously offered to said bill.

Mr. Carleton of F. moved to add to said instructions the amendment by him, previously offered; which was again accepted by Mr. Parker.

Mr. Bell moved to amend the instructions, as follows:

“That the board of internal improvement be further authorised to prosecute the southern division of the Central canal, on the same terms and under the same regulations, as are hereby provided for their government, in the prosecution of the White Water canal.

Mr. Herriman moved to lay the instructions upon the table,
And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Beckett, Bennett, Bowles, Buckles, Butler, Carlton of L., Clark, Davis, Dunn, Eccles, Edmonson, English, Farley,

Fisher, Fitch, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamer, Herriman, Hunt of J., Jones, Lane, Lanius, Lee, McCoy, Miller, Milroy, Monroe, Montgomery, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of U., Perry, Perviance, Porter, Rippey, Robinson of Ripley, Sands, Shively, Southard, Stewart, Warriner, Wilson of M. Worster, Zenor, and Mr. Speaker—54.

Those who voted in the negative were:

Messrs. Allison, Arnold, Atherton, Baker, Bell, Berkshire, Burke, Campbell, Carleton of F., Cooper, Cox, Cutter, Everts, Finch, Hamblen, Hull, Hunt of R., Jackson, Jenckes, Johnson, Judah, Lancaster, Long, McCormack, McGaughey, Morgan, Osborn of C., Osborn of F., Parker, Robinson of J., Robinson of Rush, Rush, Spann, Thompson, and Woodard—34.

So the instructions were laid upon the table.

Mr. Long moved to instruct the committee, to amend the bill, adding thereto a section modifying the public works;

Mr. Miller called for a division of the question, and the question being put, shall any instructions be sent to the committee?

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Allison, Arnold, Atherton, Baker, Beckett, Bennett, Berkshire, Burke, Campbell, Cogswell, Cooper, Cox, Finch, Hamer, Hamblen, Hull, Hunt of J., Jackson, Johnson, Judah, Lancaster, Long, McGaughey, Morgan, Osborn of C., Osborn of F., Parker, Robinson of J., Robinson of Rush, Rush, Shiveley, Spann, Thompson, Woodard, and Worster—30.

Those who voted in the negative were:

Messrs. Albertson, Bell, Bowles, Buckles, Butler, Carleton of F., Carlton of L., Clark, Cutter, Davis, Dunn, Eccles, Edmonson, English, Everts, Farley, Fisher, Fitch, Foster, Frisbie, Garrigus, Gardner, Haddon, Henley, Herriman, Jenckes, Jones, Lane, Lanius, Lee, McCormack, McCoy, Miller, Milroy, Monroe, Montgomery, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of U., Perry, Perviance, Porter, Robinson of Ripley, Sands, Southard, Stewart, Warriner, Wilson of M., Zenor, and Mr. Speaker—53.

So the House decided that no instructions should be sent to the committee.

The House now proceeded to the consideration of the orders of the day.

No. 124, a bill of the Senate, to license pedlars to vend merchandize, was taken under consideration.

Mr. Albertson moved that said bill be laid upon the table;

Which motion was decided in the affirmative.

No. 332, a bill to establish the county line between the counties of Warrick and Gibson;

Was read a second time; when

Mr. Miller moved that said bill be indefinitely postponed;

Which motion was decided in the affirmative.

No. 351, a joint resolution in relation to the Union carriage of Edward G. Fitch, was read a second time; when

Mr. Bowles moved that the joint resolution be laid upon the table;

Which motion was decided in the negative.

On the question, shall the joint resolution be engrossed for a third reading,

The ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Allison, Buckles, Burke, Carleton of F., Cogswell, Cox, Cutter, Davis, Dunn, Edmonson, English, Everts, Farley, Fitch, Foster, Frisbie, Gardner, Hull, Hunt of R., Jenckes, Lane, Lancaster, McCormack, McCoy, Milroy, Monroe, Morgan, Morrison, Osborn of C., Parker, Perry, Porter, Robinson of J., Rush, Southard, and Spann—32.

Those who voted in the negative were:

Messrs. Albertson, Baker, Beckett, Bell, Bennett, Berkshire, Bowles, Butler, Campbell, Carlton of L., Cooper, Eccles, Fisher, Flint, Garrius, Haddon, Hamer, Henley, Herriman, Hunt of J., Jackson, Johnson, Jones, Lee, McGaughey, Miller, Montgomery, Moore of O., Moore of V., Nelson of B., Nelson of M. Osborn of F., Osborn of U., Perviance, Rippey, Robinson of Ripley, Robinson of Rush, Sands, Shively, Stewart, Wilson of M., Woodard, Worster, Zenor, and Mr. Speaker—45.

So said bill was not engrossed for a third reading.

No. 364, a bill of the House to authorise the relocation of a part of a certain State road in Carroll county therein named, was read a second and third times and passed.

Ordered, That the Clerk inform the Senate thereof.

A message from the Senate by Mr. Test their Secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives, that the Senate has passed an engrossed bill of the House, No. 321, entitled

An act to amend an act entitled "an act pointing out the mode of levying taxes, and fixing the per centum for State purpose," approved February 15, 1839, and for other purposes;

With an amendment, in which the concurrence of the House is respectfully requested.

Mr. Fitch moved to concur in the amendment of the Senate, with an amendment,

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Bowles, Buckles, Carlton of F., Carlton of L., Clarke, Cogswell, Davis, Eccles, Edmonson, English, Farley, Fisher, Fitch, Foster, Frisbie, Gardner, Haddon, Henley, Hull, Johnson, Jones, Lane, Lanius, Lee, Long, McCormack, McCoy, Miller, Milroy, Monroe, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of F., Osborn of U., Perry, Perviance, Porter, Rippey, Robinson of Rush, Sands, Shiveley, Southard, Stewart, Warriner, Worster, and Mr. Speaker—49.

Those who voted in the negative were:

Messrs. Allison, Atherton, Baker, Beckett, Bell, Bennett, Berkshire, Burke, Butler, Campbell, Cooper, Cox, Cutter, Dunn, Finch, Garrigus, Hamer, Hamblen, Hunt of J., Hunt of R., Jackson, Jenckes, Judah, Lancaster, McGaughey, Montgomery, Morgan, Osborn of C., Parker, Robinson of J., Robinson of Ripley, Rush, Spann, Thompson, Wilson of M., Woodard, and Zenor—35.

So said amendment of the Senate, with an amendment, was concurred in.

Ordered, That the Clerk inform the Senate thereof.

Mr. Milroy made the following report:

MR. SPEAKER:

The select committee to whom was referred bill of the Senate,

No. 107, entitled "an act providing for the rating and selling the Wabash and Erie canal lands, &c., have had the same under consideration, and directed me to report the same back to the House, with an amendment, to wit:

Strike out all in said bill providing for the issue of scrip; and earnestly recommend its passage.

Mr. Parker moved that the bill be laid upon the table;

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Allison, Arnold, Atherton, Baker, Beckett, Bennett, Berkshire, Burke, Campbell, Cogswell, Cooper, Cox, Cutter, Eccles, Finch, Gardner, Hamer, Hamblen, Hull, Hunt of J., Jackson, Jenckes, Ju-
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dah, Lancaster, Long, Moore of O., Morgan, Osborn of C., Osborn of F., Osborn of U., Parker, Robinson of J., Robinson of Ripley, Robinson of Rush, Woodard, and Worster—35.

Those who voted in the negative were:

Messrs. Albertson, Bell, Bowles, Buckles, Butler, Carleton of F., Carlton of L., Clark, Davis, Dunn, Edmonson, Everts, Fisher, Fitch, Foster, Frisbie, Garrigus, Haddon, Jones, Lane, Lanius, Lee, McCormack, McGaughey, Miller, Milroy, Monroe, Montgomery, Moore of V., Morrison, Nelson of B., Nelson of M., Perry, Perviance, Porter, Rippey, Sands, Shiveley, Southard, Spann, Stewart, Thompson, Warriner, Wilson of M., Zenor, and Mr. Speaker—46.

So the bill was not laid upon the table.

On the question, shall said bill pass?

The ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Bell, Bowles, Buckles, Butler, Carleton of F., Carlton of L., Clark, Cox, Davis, Dunn, Eccles, Edmonson, Everts, Farley, Fisher, Fitch, Foster, Frisbie, Garrigus, Haddon, Herriman, Jenckes, Jones, Lane, Lanius, Lee, McCormack, McCoy, McGaughey, Miller, Milroy, Monroe, Montgomery, Moore of V., Morrison, Nelson of B., Nelson of M., Perry, Perviance, Porter, Rippey, Sands, Shiveley, Southard, Stewart, Thompson, Warriner, Wilson of M., Zenor, and Mr. Speaker—51.

Those who voted in the negative were:

Messrs. Allison, Atherton, Baker, Beckett, Bennett, Berkshire, Burke, Campbell, Cogswell, Cutter, Finch, Hamer, Hull, Hunt of J., Lancaster, Long, Moore of O., Morgan, Osborn of F., Osborn of U., Robinson of Ripley, Robinson of Rush, and Worster—23.

So said bill passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Parker made the following report:

MR. SPEAKER—

The Judiciary Committee, according to order, have had under consideration a resolution of this House, instructing them "to enquire into the constitutionality of adopting county seminaries as district schools," and have directed me to

REPORT:

That they deem this question to be entirely involved in a proper understanding of the true spirit and meaning of the first and fourth clauses of the sixth section of the act of Congress authorizing the formation of our State constitution, and the admission of the State into the Union, and the second and third sections of the ninth article of the State constitution. These two lastnamed sections contemplate and provide "for a general system of education, ascending in a regular gradation from township schools to a State University." This gradation has three of its steps clearly defined and set out in these sections. First, "Township Schools;" second, "County Seminaries;" third, "a State University." Other steps in the gradation forming the "general system of education," might, unquestionably, be constitutionally interposed; but the identity and integral distinctness of these three, cannot be destroyed, either by striking them out, or amalgamating the three or any two of them into one.

Palpably as these three steps are presented in the gradation itself, their distinct identity is still more obvious from the means provided by the act and the constitution for their support. The township, or as they are sometimes called, the district schools, have their sixteenth sections, which belong exclusively to the inhabitants of the proper township; and the legislature has provided them with other peculiar funds. The county seminaries are exclusively provided with all "the money which shall be paid as an equivalent by persons exempt from militia duty, except in time of war," and also "all fines assessed for any breach of the penal laws." And finally, two townships of land are "appropriated solely to the use of" the State University. The municipal regulations of the townships, the counties and the State, are not, in the estimation of the committee, any more clearly identified and distinctly pointed out in the constitution, than are the independent identity and distinctness of township schools, county seminaries, and a State University. If a county seminary may be adopted as a township or district school, the committee are apprised of no reason why the State University may not be adopted as a district school with the same propriety. And why may not the rule work the other way with equal reason? And thus make the State University a county seminary or a district school; or a county seminary a district school; and of course give the peculiar funds of each the same destination! Such an arrangement has very little resemblance to the "general system of education," and the "regular gradation" aimed at by the framers of the constitution. The adoption of a county seminary as a district school, is, in the estimation of the committee, equally unconstitutional and preposterous. When it becomes constitutional for the people of the township in which the sheriff of the county may reside, to adopt him as their constable; or when it becomes constitutional for the people of the county in which the seat of government is situate, to adopt the governor of the State as their sheriff, then the committee are *rather* inclined to the opinion, that some constitutional

reason may possibly be found, for adopting a county seminary as a district school. And until this epoch in our government arises, the committee beg leave to be discharged from the further consideration of this subject.

The report was concurred in and one hundred copies ordered to be printed.

Mr. Fitch from the committee on education to whom was referred No. 78, a bill of the Senate, preparatory to a general system of education in Indiana, reported the same back to the House, with a request that it be laid upon the table.

The report was concurred in and the bill laid upon the table.

Mr. Perry made the following report:

MR. SPEAKER—

The select committee to whom was referred bill of the Senate No. 135, have had the same under consideration, and directed me to report the same back with sundry amendments, and respectfully ask the concurrence of the House to the same;

On motion,

The said amendments were concurred in, and the bill read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Haddon, from the select committee, made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of T. B. Springer, and others, praying the establishment of a State road in Sullivan county, have had the same under consideration and directed me to report a bill, to wit:

No. 372, a bill to locate a State road in Sullivan county, and for other purposes;

Which was read a first and second times; when

Mr. English moved that the bill be laid upon the table;

Which motion was decided in the affirmative.

Mr. Cutter from a select committee made the following report:

MR. SPEAKER—

The select committee to whom was referred sundry resolutions and petitions in regard to Dr. Wylie and the affairs of the Indiana University, have had the same under consideration, and have gained sufficient information to confirm them in the opinion that some prompt

and efficient measure should be adopted, to correct the abuses that exist in the management of the said institution, but from the action which the General Assembly has been pleased to take upon the subject, they have felt and feel that the measures which they would have recommended, have been entirely superseded; wherefore they ask to be discharged from the further consideration of the subject.

On motion,

The committee was discharged.

Mr. Judah presented the petition of sundry citizens of the town of Lafayette, in reference to the corporation of said town;

Which was laid upon the table.

Mr. Morgan made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of John Lewis and others, praying for the vacation of a certain State road therein named have had the same under consideration, and instructed me to report the following bill, to wit:

No. 373, a bill to vacate a part of a certain State road;

Which was read three several times, the rule being suspended, and passed.

Mr. Jenckes introduced

No. 374, a bill further to amend an act entitled "an act for the draining of Lost creek in Vigo county," approved January 21, 1837, and the acts amendatory thereto;

Which was read a first and second times and referred to the committee on the judiciary.

Mr. Milroy made the following report:

MR. SPEAKER—

The select committee to whom was referred bill of the House No. 79, to wit: a bill providing for the sale of the Wabash and Erie canal lands and for other purposes, have had the same under consideration, and directed me to report the same back to the house and recommend that the same be postponed to the first Monday of December next.

On motion,

The report of the committee was concurred in, and the bill postponed accordingly.

On motion of Mr. Porter,

Resolved, That the printer of this House be instructed to publish in the Journal of the House, the original evidence, as taken by and before the bank committee.

On motion of Mr. Moore of O.,

The following preamble and resolution was adopted, to wit:

Whereas, this House called upon the Board of public works, some time since, to report to this House what amount of funds had been set apart for contingencies on the different public works of this State, for the year thirty-nine; *and whereas*, said report has not been made in compliance with said resolution; therefore, be it

Resolved, That a select committee be appointed to inquire into the cause of this delay, and report to this House as soon as practicable.

Messrs. Moore, Eccles, and Morrison were appointed said committee.

On motion of Mr. Allison,

Resolved, That the Secretary of State be instructed to place in the Post Office at this place, the proper number of the remaining documents, printed for the use of the members, properly enveloped, and directed severally to the post offices of the county seats of the several counties.

Mr. Parker, on leave, introduced

No. 375, a preamble and joint resolution relative to the National road;

Which was read a first time; when

Mr. Henley moved that said joint resolution be rejected,

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Alberson, Arnold, Buckles, Clark, Davis, Eccles, Edmonson, English, Farley, Foster, Frisbie, Garrigus, Gardner, Hamer, Hamblen, Henley, Herriman, Lee, Long, McCormack, Miller, Milroy, Monroe, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of F., Porter, Rippey, Shiveley, Spann, Warriner, and Mr. Speaker—36.

Those who voted in the negative were:

Messrs. Allison, Atherton, Baker, Beckett, Bell, Bennett, Burke, Butler, Campbell, Carleton of F., Cox, Cutter, Dunn, Everts, Finch, Fisher, Fitch, Hull, Hunt of J., Hunt of R., Jackson, Jenckes, Johnson, Jones, Judah, Lane, Lancaster, Lanius, McGaughey, Montgomery, Morgan, Osborn of C., Osborn of U., Parker, Perry, Robinson of J., Robinson of Ripley, Robinson of Rush, Sands, Stewart, Thompson, Wilson of M., Woodard, and Worster—43.

So said joint resolution was not rejected.

The joint resolution was then read a second time; when

Mr. Hull moved that the bill be referred to a select committee,

And the ayes and noes being requested thereon.

Those who voted in the affirmative were:

Messrs. Alberson, Arnold, Baker, Bowles, Carleton of F., Clark,

Davis, Farley, Fisher, Fitch, Frisbie, Garrigus, Haddon, Hamblen, Herriman, Hull, Hunt of J., Johnson, Lane, Lanius, Lee, Long, McCormack, Miller, Milroy, Monroe, Morrison, Nelson of B., Osborn of F., Osborn of U., Perry, Porter, Rippey, Robinson of Rush, Sands, Spann, Stewart, Warriner, Worster, and Mr. Speaker—40.

Those who voted in the negative were:

Messrs. Atherton, Beckett, Bell, Bennett, Berkshire, Buckles, Burke, Butler, Cooper, Cox, Cutter, Dunn, Edmonson, Everts, Finch, Foster, Hamer, Henley, Hunt of R., Jackson, Jenckes, Jones, Judah, Lancaster, McCaughey, Montgomery, Moore of O., Morgan, Osborn of C., Parker, Robinson of J., Robinson of Ripley, Thompson, Wilson of M., and Woodard—35.

So said joint resolution was committed to a select committee.

Messrs. Hull, Parker, and Fisher were appointed said committee.

The Speaker laid before the House a communication from Milton Stapp, fund commissioner, in answer to a resolution, on the subject of advances made by the branches of the State Bank of Indiana; which,

On motion of Mr. Henley,
Was laid upon the table.

Mr. Perry, on leave, introduced

No. 376, a bill to distribute so much of the three per cent. fund as is due Dearborn county;

Which was read a first and second times; when

Mr. Lanius moved that the bill be laid upon the table;

Which motion was decided in the affirmative.

Mr. Morrison introduced

No. 377, a bill to authorize the Secretary of State to bring suit against delinquent members of the State Board of Internal Improvements;

Which was read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

A message from the Senate by Mr. Test their Secretary:

MR. SPEAKER—

The Senate having passed a bill of the House, No. 92, entitled "an act for the relief of the settlers on the Wabash and Erie canal lands, with one amendment; I am directed to bring the same to the House, and to ask their concurrence therein.

On motion,

The House refused to concur in said amendment.

A message from the Senate by Mr. Test their Secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives, that the Senate has passed an engrossed bill thereof, as follows, to wit:

No. 154, an act to provide for the payment of the debt of the State, to the branches of the State Bank of Indiana, in which the concurrence of the House is respectfully requested.

The bill mentioned in the message was read a first and second times; when

Mr. Henley moved to strike out the bill from the enacting clause, and insert a substitute; when

Mr. Arnold called for a decision of the question.

Mr. Miller moved that the bill and amendment be indefinitely postponed,

And the ayes and noes being thereon,

Those who voted in the affirmative were:

Messrs. Arnold, Beckett, Berkshire, Bowles, Buckles, Campbell, Carlton of L., Clark, Davis, Dunn, Edmonson, Fisher, Fitch, Foster, Frisbie, Garrigus, Haddon, Hamblen, Herriman, Hull, Jones, Lane, Lanius, Lee, Long, McCormack, Miller, Monroe, Montgomery, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of U., Perry, Porter, Rippey, Robinson of Ripley, Robinson of Rush, Sands, Shiveley, Spann, Warriner, Worster, and Mr. Speaker—43.

Those who voted in the negative were:

Messrs. Allison, Atherton, Baker, Bell, Bennett, Burke, Butler, Carleton of F., Cooper, Cox, Cutter, English, Everts, Finch, Hamer, Henley, Hunt of J., Hunt of R., Jackson, Jenckes, Jones, Judah, Lancaster, McGaughey, Milroy, Morgan, Osborn of C., Osborn of F., Parker, Robinson of J., Southard, Wilson of M., and Woodard—33.

So said bill was indefinitely postponed.

A message from the Senate, by Mr. Test their Secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives, that the Senate has receded from its amendment so far as the county of "Delaware" is concerned, and insist upon its amendment so far as relates to the county of "Fayette" to the bill of the House No. 158, entitled "an act to amend an act entitled "an act to regulate the jurisdiction and duties of justices of the peace," approved Feb. 17, 1838, and Messrs. Watt of Union, and Beard of Montgomery are ap-

pointed a committee of free conference on the part of the Senate to act with a similar committee, to be appointed on the part of the House for the purpose of taking into consideration the disagreement of the two Houses in relation thereto.

On motion,

Messrs. Hull and Osborn of Union were appointed a committee of free conference on the part of the House of Representatives, on the foregoing bill.

Ordered, That the clerk inform the Senate thereof.

Mr. Henley, on leave granted, introduced No. 378, a bill relative to probate courts in Clark county;

Which was read a first, second and third times, and passed, the rule being suspended.

Ordered, That the clerk inform the Senate thereof.

Mr. Judah made the following report:

MR. SPEAKER—

The committee on the judiciary have had under consideration the petition of John Wynn and others, and have directed me to report a bill, the passage of which is respectfully recommended, to wit:

No. 379, a bill for the relief of John Wynn and others;

Which was read three several times, and passed.

Ordered, That the clerk inform the Senate thereof.

A message from the Senate, by Mr. Hackett, a member:

MR. SPEAKER—

I am instructed to inform the House of Representatives that the engrossed bill thereof No. 281, entitled, a "bill to extend the time of payment, to purchasers of Saline, and School Lands in Washington, Rush, Delaware, Wayne, and Henry counties," has been passed by the Senate with two amendments, in which the concurrence of the House is respectfully requested.

On motion,

The amendments were concurred in.

Ordered, That the clerk inform the Senate thereof.

Mr. Milroy introduced

No. 380, a bill for the relief of those likely to suffer by the destruction by fire of the bonds and papers in relation to the surplus revenue in Carroll county, and to secure its final payment;

Mr. Fitch introduced

No. 381, a bill legalizing the sale of certain school lands in Cass county;

Which were severally read a first, second and third times and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Everts handed in the following protest; which was ordered to be spread upon the Journals, to wit:

The undersigned, solemnly protests against the views of the majority of the committee on canals and internal improvements, as set forth in their elaborate report, costing much labor and containing many facts which are acknowledged, whilst it contains but few sentiments to which we can possibly accede.

Firstly. Because it contains, by innuendo and fair inference, very many direct charges against the different Governors of State, from the year 1834 up to the present time, and also against all the Engineers, Fund Commissioners, &c. who have been in service during that period; charging them with a fraudulent neglect of duty, by withholding from the Legislature and the people of the State, the real, and to them, well known truth, relative to the cost of constructing the proposed public works, and the value to be derived from their use when completed, compared with the cost of construction; and that too, with a corrupt intention of involving the State in ruin and disgrace, by saddling her citizens with a debt of enormous amount and interminable duration, without the slightest prospect of ever realizing a benefit from their use commensurate with the cost of construction. Against such grave charges, clearly inferred from the spirit of the report, we most solemnly protest.

Secondly. Because, there appears to be a labored effort to enforce upon the minds of the people a belief, that public works, such as canals, railroads, &c. throughout the world, are an expense and tax upon the community and government wherever they are, or have been constructed. Hence we are left to infer, that they are a curse upon all governments that have had the folly or madness to suffer their construction and continuance within their borders. Our minds being fully convinced that such sentiments are founded in error, to say the least of them, especially when we see them directly contradicted by the precept and example of all the civilized world, we cannot suffer such sentiments to be published to the citizens of this proud State, as coming from the high authority of legislative sanction, without entering against them, our solemn protest.

Thirdly. Because all the embarrassments under which the State is now groaning, are made by the majority report, to depend as a direct cause, upon the consummate folly and madness of the projectors and prosecutors of the public works in the different parts of the State, to this their death, their final *close*! While our minds take a widely different view of the case; fully believing that other causes, entirely foreign from those alluded to, over which Indiana had little or no control, have been the origin and consummation, of nearly all the wide spread ruin and desolation that threaten to desolate the proudest

hopes, and lay waste the brightest prospects, not of Indiana only, but the whole United States; and causes too, "that to be hated need but to be seen," and seen they are, and must be by all, who look with an unjaundiced eye upon the course and conduct of the General Government for the last ten years; the particulars of which, time will not allow, nor would prudence dictate to portray, in this short *protest*.

Fourthly. Because, the report professes to be an *unvarnished* statement of facts; when in truth, almost every sentiment in every paragraph and line, seems to us, to be highly charged with polished sarcasm and virulent invective: against whom? and against what? Why, forsooth, against all who dare to raise the slightest voice or sound in favor of public works; against at least three fourths of the State of Indiana. And although the report would confine the pointed shafts, poisoned with venom, and hurled with giant force, to a few individuals, at whom they seem to be principally aimed, yet, through them it makes a deadly thrust at the whole party who now oppose the present administration of the general government throughout the whole State; and by a kind of political legerdemain, would operate upon the minds of the unwearied and unsuspecting portion of community; and while they feel but too forcibly the grinding pressure of these hard times, by a *general* depression in the monetary affairs of the entire government of the United States, they are cited to one cause only—and that the system of public works in the State of Indiana. And then the report fixes the blame on whom it best suits to carry out the *deep* laid plot, the *darling* scheme to affect the grand design. They are also told that they have been deceived, by poetic descriptions of imaginary benefits that will never be realized from the public works; that a mist of fanciful and ideal glory has been thrown around them, producing a mental hallucination, which has urged them onward in their mad career of fruitless effort, until suddenly their high flushed hopes are brought down to this *tragical* end—this *gulf* of ruin—this *vortex* of destruction—this *eternal* sleep, unhonored and unwept!!!! Is all this true to the letter and verb? Is all this an *unvarnished* statement of facts? or is it what it really appears to us to be, a mere tirade of abuse against the system of Internal Improvements, and a large portion of its supporters; concocted, if not in malice, under extremely excited party feeling, partly designed for electioneering purposes, and political effect. No other view can possibly be taken of the whole tenor of the majority report by us.

And fifthly. We would ask this House, and through it the people of the State, if this system of public works is indeed that *illegitimate*—that *base born*—that haggard Monster, which it is set forth to be in the majority report? Or has its mother, the State, in the youthful vigor and ardor of her first love, brought forth a being the true image of herself, gigantic to be sure in size, and consequently requiring more nourishment to support its rapid growth, than could be at once supplied from her youthful breasts? Certainly this appears to be the case; but therefore, will she let her first-born *die*?—*die* *unpitied* and *unwept*? Forbid it Gracious Heaven! All nature stands aghast at such a

thought, and calls aloud for vengeance on the demon foe; a foe to virtue, a foe to honor and integrity, who could for one moment sanction such a course.

This child of Indiana, truly legitimate and fair formed, of famous birth and high renown, whose name has reached to distant climes, and praised, and sung by poet, and by sage, is now languishing to be sure, and starving for lack of proper nourishment: crying and pleading for a bare support of mere vitality, until the State, its mother, by a short rest gain strength to supply the needful aid; and then, with firm resolve, she will fly with hasty step, and out stretched arm, to the rescue of her much beloved, her darling object; with all the zeal and ardor of affection, that so signally distinguishes her for valor, for patriotism, and for noble deeds of daring enterprise.

What; do men pretend to be sane, and sober too, when they talk of Indiana's public works being at an end? and seem to triumph in the prospect of their *eternal* slumber? Me thinks it cannot be; it is base slander upon the character, the dignity, the honor, and even upon the very *soil* of the State: and to her sons, let them be words without meaning; let them be sounds without ideas; originating in skulls whose brains are inflamed by an unholy desire to bring in endless oblivion, the brightest ornaments of her future greatness. As well might Mississippi's mighty current cease to flow onward to the majestic main, as Indiana cease to prosecute steadily onward, her public works to the different points of their termination.

'Tis true indeed, that Indiana has suffered much from the great and sudden change in all the financial concerns of the whole country; and that too at a time when she was least prepared to sustain the shock; but we protest against the doctrine, that, because we have been overtaken by misfortune's rueful hand, we should therefore cease our energies, and abandon every enterprise, however laudable. Could she, (the State) have had prophetic vision to foresee what then were future and unforeseen events, she might have laid her plans to meet the evils now complained of by confining all her means, and all her lively energies, to fewer works at once. However, this much used doctrine, of, would have been, we will not stop to canvass now. Suppose it to say, that she has suffered much for lack of knowledge, but she will doubtless profit by the lesson taught in this humiliating school of experience. Henceforth let industry and perseverance be her motto; let wisdom dwelling with prudence be her guide, let stern integrity be her sheet anchor; let inflexible justice be her polar star, and the prize is sure; a prize no less than the universal diffusion of all the blessings of which the nature of man is susceptible, who bears alone the image of God divine.

SYLVANUS EVERTS.

Mr. Robinson of J., introduced

No. 382, a bill supplemental to an act, passed at the present session of the General Assembly, entitled "an act to change the name of Henry Slocum" of Jefferson county;

Which was read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

On motion of Mr. English,

Resolved, That the Senate be informed that the House has gone through all the business before it, and is now ready to adjourn *sine die*, the Senate consenting.

On motion,

Mr. Milroy was added to the committee on enrolled bills.

Mr. Hull, from a select committee, made the following report:

MR. SPEAKER—

The select committee to whom was referred a joint resolution of the House No. 375, on the subject of the National road, have had the same under consideration, and have directed me to report as an amendment the following substitute, to wit:

On the question, shall said amendment be concurred in?

The ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Arnold, Bowles, Carleton of F., Carlton of L., Clark, Cogswell, Davis, Eccles, Edmonson, English, Farley, Fisher, Frisbie, Garrigus, Haddon, Hamblen, Henley, Herriman, Hull, Hunt of J., Johnson, Lane, Lanius, Lee, Long, McCormack, McCoy, Miller, Milroy, Monroe, Moore of O., Moore of V., Nelson of B., Nelson of M., Osborn of F., Osborn of U., Perry, Porter, Rippey, Robinson of Rush, Shiveley, Warriner, Worster, and Mr. Speaker—14.

Those who voted in the negative were:

Messrs. Allison, Bennett, Berkshire, Dunn, Everts, Foster, Hamer, Hunt of R., Jenckes, Jones, Judah, Morgan, Robinson of J., Robinson of Ripley, Thompson, and Wilson of M.—14.

There not being a quorum of members voting, the motion to concur was lost.

On motion of Mr. Baker,

The report of the committee and accompanying bill were laid upon the table.

Mr. Judah made the following report:

MR. SPEAKER—

The judiciary committee have had under consideration bill No. 28

of the Senate, to abolish capital punishment, and have directed me to report the same to the House.

On motion,

The bill was laid upon the table.

Mr. ——— made the following report:

Mr. SPEAKER—

The judiciary committee have considered a resolution of this House, directing an enquiry into the expediency of so changing the form of the oath of grand jurors, that there shall be no doubt of their duty to testify before a court of matters which came before them while serving as grand jurors, and have directed me to

REPORT:

That they can see no occasion to change the law on the subject. The committee are clearly of opinion that grand jurors are now so bound to testify. The oath of the grand juror now requires secrecy so far only as his out door intercourse with the public is concerned. And consequently when called on in court he is as competent and as much bound to disclose any and every species of legal testimony within his knowledge, as any other witness.

The committee ask to be discharged from the further consideration of the subject;

Which was concurred in.

Mr. Everts moved to take from the table bill No. 150.

Said bill was read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

A message from the Senate, by Mr. Test their Secretary:

Mr. SPEAKER—

I am directed by the Senate to inform the House, that the Senate refuses to concur in the amendment of the House to the amendment of the Senate, to the bill of the House,

No. 321, entitled an act to amend an act entitled an act pointing out the mode of levying taxes, and fixing the per centum for state purposes, approved Feb. 15, 1839, and for other purposes.

Mr. Bowles moved that the House insist on the amendment to the amendment of the Senate,

The ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Beckett, Bowles, Buckles, Campbell, Carlton of

A., Clark, Cogswell, Davis, Eccles, Edmonson, English, Farley, Fisher, Fitch, Foster, Frisbie, Garrigus, Haddon, Hamer, Henley, Merriman, Hull, Johnson, Jones, Lane, Lanius, Lee, Long, McCormack, McCoy, Miller, Milroy, Monroe, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of N., Osborn of C., Osborn of P., Osborn of U., Perry, Porter, Rippey, Robinson of Rush, Sands, Shiveley, Southard, Warriner, Worster, and Mr. Speaker—52.

Those who voted in the negative were:

Messrs. Allison, Arnold, Atherton, Baker, Bell, Bennett, Berkshire, Burke, Butler, Carleton of F., Cooper, Cox, Cutter, Dunn, Everts, Finch, Hamer, Hunt of J., Hunt of R., Jackson, Jenckes, Judah, Lancaster, McGaughey, Montgomery, Morgan, Parker, Robinson of J., Robinson of Ripley, Rush, Spann, Thompson, Wilson of M., Woodward, Zenor—35.

So the House insisted on its amendment to the amendment of the Senate.

Ordered, That the Senate be informed thereof.

A message from the Senate, by Mr. Test their Secretary:

MR. SPEAKER—

The Senate have passed an engrossed bill thereof, entitled,
No. 116, an act concerning clerks.

In which the concurrence of the House is respectfully requested.

The sail bill was read a first, second and third times—the rule being suspended—and

On motion of Mr. Moore of O.,

Laid upon the table.

A message from the Senate by Mr. Test their Secretary:

MR. SPEAKER—

I am directed by the Senate, to inform the House of Representatives, that the Senate has concurred in the amendments of the House to the bills of the Senate,

No. 25, an act in relation to the State House and for other purposes;

No. 112, an act to incorporate the Spencer county Working-man's Institute—and

No. 136, an act in relation to lands within the chartered limits of the city of New Albany, and solely used for farming and woodland purposes.

The Senate insists on its disagreement to the amendment of the House to the amendment of the Senate to the bill of the House,

No. 321, entitled an act to amend an act entitled an act pointing out the mode of levying taxes and fixing the per centum for State purposes, approved Feb. 15, 1839, and for other purposes;

And Messrs. Baird of St. Joseph, and Cravens are appointed a committee of free conference, &c. in relation thereto.

Mr. Bowles moved that the House continue to insist on its amendment to the amendment of the Senate, on bill of the House, No. 321, mentioned in the message, and that a committee of free conference be appointed on the part of the House,

The ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Bowles, Buckles, Carlton of L., Clark, Cogswell, Davis, Eccles, Edmonson, English, Farley, Fisher, Fitch, Foster, Frisbie, Garrigus, Haddon, Hamer, Henley, Herriman, Hull, Johnson, Jones, Lane, Lanius, Lee, Long, McCormack, McCoy, Miller, Milroy, Monroe, Montgomery, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of F., Osborn of U., Perry, Porter, Rippey, Sands, Shiveley, Southard, Stewart,, Warriner, and Mr. Speaker—50.

Those who voted in the negative were:

Messrs. Allison, Baker, Bell, Bennett, Berkshire, Butler, Campbell, Carleton of F., Cox, Cutter, Dunn, Finch, Hamblen, Hunt of J., Hunt of R., Jackson, Jenckes, Judah, Lancaster, Morgan, Parker, Rush, Thompson Woodard, and Zenor—28.

So said motion was decided in the affirmative.

Messrs. Bowles and Garrigus were appointed a committee of free conference on the part of the House.

Mr. Hull Made the following report:

MR. SPEAKER—

The committee on free conference on the part of the House, with a similar committee on the part of the Senate, on a bill of the House, No. 158, entitled an act to amend an act regulating the jurisdiction and duties of justices of the peace, approved Feb. 17, 1838, have agreed to recede, as relates to the county of Fayette.

On motion,

The report was concurred in.

A message from the Senate, by Mr. Test their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed an engrossed bill of the House,

No. 369, entitled an act to provide for the repair of the temporary bridges on the Cumberland road in Indiana;

With amendments, in which the concurrence of the House is respectfully requested.

On motion,

The amendments of the Senate to the foregoing bill were concurred in.

Ordered, That the clerk inform the Senate thereof.

Mr. Bowles made the following report:

MR. SPEAKER:

The committee of free conference on the part of the Senate and House, report:

That they have had the subject of the disagreement between the two Houses, on bill No. 321, in relation to the State revenue and other purposes, under their consideration jointly, and have agreed to disagree.

Which is respectfully submitted.

JEPHTHA GARRIGUS,
WM. A. BOWLES.

On motion,

The House adjourned until seven o'clock, P. M.

Seven o'clock, P. M.

The House met pursuant to adjournment.

Mr. Hunt of J. moved to suspend the rule, to introduce a joint resolution;

Which motion was decided in the negative.

Mr. Lane moved that a second committee of free conference be appointed in relation to the revenue bill,

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Allison, Arnold, Atherton, Baker, Beckett, Bell, Berkshire, Buckles, Burke, Butler, Campbell, Carleton of F., Cogswell, Cooper, Cox, Cutter, Dunn, Eccles, Everts, Finch, Foster, Hamer,

Hamblen, Hunt of J., Jackson, Jenckes, Johnson, Jones, Judah, Lane, Lancaster, Lee, Long, McCormack, McGaughey, Miller, Montgomery, Morgan, Nelson of M., Osborn of F., Parker, Robinson of J., Robinson of Ripley, Rush, Spann, Thompson, Warriner, Wilson of M. Woodard, and Zenor—51.

Those who voted in the negative were:

Messrs. Bennett, Bowles, Carlton of L., Clark, Davis, Edmonson, English, Fitch, Foster, Garrigus, Haddon, Henley, Herriman, Lanius, McCoy, Monroe, Moore of O., Moore of V., Nelson of B. Osborn of C., Osborn of U., Perry, Porter, Rippey, Sands, Shiveley, Southard, and Stewart.—28.

So said motion was decided in the affirmative.

Messrs. Lane and Edmonson were appointed said committee on the part of the House.

A message from the Senate, by Mr. Test their Secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives, that the Senate has passed engrossed bills of the House as follows, to wit:

No. 234, an act to provide for the relocation of the county seat of Blackford county;

No. 363, an act making specific appropriations for the year 1840;

Each with amendment, in which the concurrence of the House is respectfully requested.

The amendments of the Senate to the bill of the House No. 234, were concurred in.

The third and fourth amendments of the Senate to the bill of the House, No. 363 were severally concurred in.

The question on concurring in the first amendment of the Senate to said bill, to wit: striking out "four dollars and fifty cents," and inserting "five dollars," as a compensation for the Principal and Assistant Secretaries and Clerks of the two Houses, was put,

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Bowles, Butler, Carleton of F., Carleton of L., Davis, Edmonson, English, Everts, Farley, Finch, Henley, Hunt of J., McCormack, McGaughey, Moore of O., Morrison, Southard, Wilson of M., and Mr. Speaker—18.

Those who voted in the negative were:

Messrs. Albertson, Atherton, Baker, Beckett, Bell, Bennett, Berkshire, Buckles, Campbell, Clark, Cogswell, Cooper, Cox, Dunn, Eccles, Frisbie, Garrigus, Haddon, Hamer, Hamblen, Herriman, Jackson, Jenckes, Jones, Lane, Lancaster, Lee, Long, McCoy, Miller, Milroy, Monroe, Montgomery, Morgan, Nelson of B., Nelson of M., Osborn of C., Osborn of F., Osborn of U., Parker, Perry, Porter, Rippey, Robinson of J., Robinson of Ripley, Rush, Sands, Shiveley, Spann, Stewart, Thompson, Warriner, Woodard, and Zenor—55.

So said amendment was not concurred in.

The House also refused to concur in the amendment of the Senate, increasing the compensation of the Enrolling clerk of the House and enrolling Secretary of the Senate from three dollars and fifty cents per day to four dollars.

Ordered, That the Senate be informed thereof.

Mr. Robinson of Jefferson moved to amend the fourth amendment of the Senate, as follows:

Sec. And be it further enacted, That the provisions of the act, approved February 15th, 1839, entitled "an act pointing out the mode of levying loans and fixing the per centum for State purposes," be and the same are hereby revived and declared to be in full force and operation, until the same shall be repealed by an act of this General Assembly."

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Allison, Atherton, Baker, Bell, Berkshire, Butler, Carlton of F., Cogswell, Cooper, Cox, Cutter, Dunn, Everts, Finch, Hunt of J., Jackson, Jenckes, Judah, Lancaster, McGaughey, Morgan, Parker, Robinson of J., Rush, Spann, Thompson, Wilson of M., and Woodard—28.

Those who voted in the negative were:

Messrs. Albertson, Beckett, Bennett, Bowles, Buckles, Campbell, Carlton of L., Clark, Davis, Eccles, English, Fitch, Foster, Frisbie, Garrigus, Haddon, Hamer, Hamblen, Henley, Herriman, Johnson, Jones, Lanius, Lee, Long, McCormack, McCoy, Miller, Milroy, Monroe, Montgomery, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of F., Osborn of U., Perry, Porter, Rippey, Robinson of Ripley, Sands, Shiveley, Southard, Stewart, Warriner, and Zenor—48.

So said amendment was not adopted.

Mr. Jones moved to amend the amendment of the Senate, by reviving the revenue act of 1837-8,

The ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Bennett, Bowles, Buckles, Campbell, Davis, Eccles, English, Fitch, Frisbie, Haddon, Henley, Herriman, Jones, Lanius, McCoy, Miller, Monroe, Montgomery, Moore of O., Morgan, Morrison, Nelson of B., Osborn of U., Perry, Porter, Rippey, Robinson of Ripley, Sands, Shiveley, Southard, Spann, Stewart, Wariner, Wilson of M., and Zenor—36.

Those who voted in the negative were:

Messrs. Allison, Arnold, Atherton, Baker, Beckett, Bell, Berkshire, Butler, Carlton of L., Clark, Cogswell, Cutter, Finch, Foster, Garrius, Hamer, Hamblen, Hunt of J., Jackson, Jenckes, Johnson, Judah, Lancaster, Lee, Long, McCormack, McGaughey, Milroy, Nelson of M., Parker, Robinson of J., Rush, Thompson, and Woodard—36.

So said amendment was not adopted.

Mr. Cutter offered the following resolution; which was unanimously adopted, to wit:

Resolved, That for the calm, able, dignified, and impartial manner in which the honorable James G. Read has presided over the deliberations of this House during the present stormy and protracted session, we do hereby return him our unanimous and most cordial thanks.

A message from the Senate by Mr. Test their Secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that the Senate have passed an engrossed bill of the House, No. 378, entitled an act in relation to probate courts in Clark county, with an amendment, in which the concurrence of the House of Representatives is respectfully requested.

On motion,

The amendment of the Senate to the foregoing bill was concurred in.

Ordered, That the clerk inform the Senate thereof.

A message from the Senate, by Mr. Test their Secretary:

MR. SPEAKER—

The Senate have passed an engrossed bill thereof, No. 163, entitled "an act concerning the seminary township of land in Gibson and Monroe counties," approved January 25th, 1827;

And have directed me to inform the House thereof, and most respectfully ask their concurrence.

The bill mentioned in the message, No. 163, was read a first, second, and third times and passed.

Ordered, That the clerk inform the Senate thereof.

A message from the Senate, by Mr. Test their Secretary:

MR. SPEAKER—

The Senate have passed an engrossed bill of the House, No. 310, entitled "an act to provide for the sale of the Michigan road lands remaining unsold, and for other purposes, with an amendment, to which I am directed to ask the concurrence of the House.

On the question, Shall said amendment be adopted? it was decided in the negative.

Mr. Lane, on leave, introduced

No. 384, a joint resolution relative to the revenue;

Which was read a first time; when

Mr. Lane moved that the rule be suspended, and the joint resolution be read a second time now,

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Beckett, Bennett, Berkshire, Bowles, Buckles, Campbell, Carleton of F., Carlton of L., Clark, Cogswell, Davis, Dunn, Eccles, Edmonson, English, Fitch, Foster, Frisbie, Garrigus, Haddon, Hamer, Henley, Herriman, Hunt of J., Johnson, Jones, Lane, Lanius, Lee, McCoy, Miller, Milroy, Monroe, Montgomery, Moore of O., Moore of V., Morgan, Morrison, Nelson of B., Nelson of M., Osborn of U., Perry, Porter, Rippey, Robinson of Ripley, Sands, Shiveley, Southard, Spann, Stewart, Warriner, Wilson of M., Zenor, and Mr. Speaker—55.

Those who voted in the negative were:

Messrs. Allison, Arnold, Atherton, Baker, Burke, Butler, Cox, Cutter, Everts, Finch, Hamblen, Jackson, Jenckes, Judah, Long, McCormack, McGaughey, Osborn of F., Parker, Robinson of J., Rush, Thompson, Wilson of M., and Woodard—25.

So the rule was suspended and the joint resolution read a second time; when

Mr. Carleton of F., moved to strike out 1837-8 and insert 1838-9.

Mr. Herriman called for a division of the question,

And the question being put on striking out,

The ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Allison, Atherton, Baker, Bell, Berkshire, Burke, Butler, Carleton of F., Cogswell, Cox, Cutter, Dunn, Everts, Finch, Hamer, Hunt of J., Jenckes, Judah, Lancaster, Long, McGaughey, Morgan, Osborn of F., Parker, Robinson of J., Rush, Thompson, Wilson of M., and Woodard—29.

Those who voted in the negative were:

Messrs. Albertson, Beckett, Bennett, Bowles, Buckles, Campbell, Carlton of L., Clark, Davis, Eccles, Edmonson, English, Fitch, Foster, Frisbie, Garrigus, Haddon, Hamblen, Henley, Herriman, Johnson, Jones, Lane, Lanius, Lee, McCormack, McCoy, Miller, Milroy, Monroe, Montgomery, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of U., Perry, Porter, Rippey, Robinson of Ripley, Sands, Shiveley, Southard, Spann, Stewart, Warriner, Zenor, and Mr. Speaker—49.

So 1837-8 was not stricken out.

The joint resolution was then ordered to be engrossed for a third reading; when

Mr. Lane moved to suspend the rule and read the joint resolution a third time now,

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Arnold, Baker, Beckett, Bennett, Bowles, Buckles, Campbell, Carleton of F., Carlton of L., Clark, Cogswell, Davis, Dunn, Eccles, Edmonson, English, Fitch, Foster, Frisbie, Garrigus, Haddon, Hamer, Hamblen, Henley, Herriman, Johnson, Jones, Lane, Lanius, Lee, McCormack, McCoy, Miller, Milroy, Monroe, Montgomery, Moore of O., Moore of V., Morrison, Nelson of B., Nelson of M., Osborn of U., Perry, Porter, Rippey, Robinson of Ripley, Sands, Shiveley, Southard, Spann, Stewart, Warriner, Wilson of M., Zenor, and Mr. Speaker—56.

Those who voted in the negative were:

Messrs. Allison, Atherton, Bell, Berkshire, Burke, Butler, Cox, Cutter, Finch, Hunt of J., Jenckes, Judah, Lancaster, Long, McGaughey, Morgan, Osborn of F., Parker, Robinson of J., Rush, Thompson, and Woodard—22.

So the rule was suspended, and the joint resolution read a third time.

On the question, Shall said joint resolution pass?

And the ayes and noes being requested thereon,

Those who voted in the affirmative were:

Messrs. Albertson, Arnold, Baker, Beckett, Bennett, Berkshire, Bowles, Buckles, Burke, Campbell, Carlton of F., Carlton of I., Clark, Cogswell, Davis, Dunn, Eccles, Edmonson, English, Fitch, Foster, Frisbie, Garrigus, Gardner, Haddon, Hamer, Hamblen, Henley, Herriman, Hunt of R., Johnson, Jones, Lane, Lanius, Lee, McCormack, McCoy, Miller, Milroy, Monroe, Montgomery, Moore of O., Moore of V., Morgan, Morrison, Nelson of B., Nelson of M., Osborn of U., Perry, Porter, Rippey, Robinson of Ripley, Sands, Shiveley, Southard, Spann, Stewart, Warriner, Wilson of M., Zenor and Mr. Speaker—59.

Those who voted in the negative were:

Messrs. Allison, Atherton, Bell, Cutter, Hunt of J., Judah, Lancaster, Mc Gaughey, Osborn of F., Parker, Robinson of J., Rush, and Woodard—13.

So said joint resolution passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Lane made the following report:

MR. SPEAKER—

The committee of free conference of both Houses, on the disagreement of a former committee of the House and the Senate on bill No. 321, of the House, entitled "an act to amend an act entitled "an act pointing out the mode of levying taxes and fixing the per centum for State purposes," approved February 15, 1839, and for other purposes," beg leave to report, that they have met and find it impossible to come to an agreement, and therefore ask to be discharged.

On motion the committee was discharged.

Mr. Lane now moved to take from the table, bill of the House, No. 324, to dissolve the present Board of Internal Improvement, the Board of Fund Commissioners and the Engineer Department.

The amendment of the Senate, to said bill, not being found in the bill, it was passed over.

A message from the Senate by Mr. Test, their Secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives, that the Senate has concurred in the reports of the committees of the of free conference on the disagreement of the two Houses in relation

to the bills of the House, entitled as follows: No. 321, an act to amend an act entitled "an act pointing out the mode of levying taxes and fixing the per centum for State purposes," approved February 16th, 1839, and for other purposes; and,

No. 158, an act to amend an act entitled "an act to regulate the jurisdiction and duties of justices of the peace," approved February 17, 1838.

Also, the Senate has concurred in the amendment of the House to the bill of the Senate No. 157, entitled "an act to relocate a State road" in the counties of Gibson, and Pike.

A message from the Senate, by Mr. Test their Secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives, that the Senate has passed engrossed bills and joint resolutions of the House as follows, to wit:

No. 338, an act concerning school districts in Scott county;

No. 278, a joint resolution in relation to the appointment of an agent to examine the condition of the State Bank of Indiana; the first without amendment, in which the concurrence of the House is respectfully requested.

Also, the Senate has passed an engrossed bill of the House, No. 41, an act to amend an act entitled an act to attach one fourth of township No. 30 north of range four east, in the county of Fulton, without amendment.

A message from the Senate by Mr. Test their Secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives, that the Senate has passed engrossed bills of the House as follows, to wit:

No. 373, an act to vacate a part of a certain State road.

No. 364, an act to authorize the relocation of a part of a certain State road in Carroll county therein named.

No. 209, an act for the better regulation of the Militia of the State of Indiana.

No. 339, an act to abolish the June term of the Jefferson Circuit Court, each without amendment.

The Senate has concurred in the amendments of the House to the bill of the Senate No. 135, entitled "an act amendatory of an act incorporating Congressional townships, and providing for common schools therein," approved Feb. 17, 1838.

A message from the Senate by Mr. Test their Secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives, that the Senate has concurred in the amendment of the House to the bill of the Senate No. 147, entitled "an act to regulate vending merchandize at auction in this State."

Also, the Senate has passed engrossed bills, of the House as follows, viz:

No. 350, an act for the purpose of defining the boundary line between the counties of Clark, and Floyd.

No. 368, an act making general appropriations for the year 1840.

No. 341, an act to authorize the election of one additional justice of the peace in the town of Pittsburgh in Carroll county.

No. 370, an act for the relief of Mentor Johnson Collector of Clay county.

No. 344, an act relative to collectors of the revenue.

No. 319, an act for the relief of Adolphus Hussins of Ripley county.

No. 362, an act to establish a certain State road therein named.

No. 382 an act supplemental to an act passed at the present session of the General Assembly entitled an act to change the name of Harvy Slocum of Jefferson county.

No. 380, act for the relief of those likely to suffer by the destruction by fire of the bonds, and papers in relation to the surplus revenue in Carroll county, and to secure its final payment.

No. 330, a bill defining the duty of the county Board of Fayette county, in a certain case therein named.

No. 371, an act supplemental to an act amending the act incorporating the town of Princeton, approved December 20, 1838.

No. 381, an act legalizing the sale of certain school lands in Cass county.

No. 359, an act to amend an act entitled an act for attaching Carroll county to the eighth judicial circuit, and for other purposes, approved Feb. 7, 1840.

No. 361, an act to repeal an act providing for a more uniform mode of doing township business, approved Feb. 17, 1838, so far as relates to Madison county.

No. 331, an act to incorporate the Patriot, Silk and Trading Company.

No. 379, an act for the relief of John Wynn, and others.

No. 353, an act to authorize the building a school house in Hancock county, and for other purposes.

No. 161, an act to incorporate the Wabash Rangers.

No. 354, an act to amend an act entitled an act relating to public roads, and highways, approved Feb. 17, 1838.

Also, a joint resolution of the House, No. 365,

A joint resolution on the subject of agriculture; and

No. 360, a joint resolution in relation to the expenditures atten-

grant upon the issue of Treasury Notes, and for other purposes, each without amendment.

A message from the Senate by Mr. Test, their Secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives, that the Senate has passed engrossed bills of the House as follows, viz:

No. 293, an act relative to the Clay county Seminary.

No. 309, an act relative to the counties in the fifth judicial Circuit.

No. 311, an act for the relief of John Hyden of Owen county.

No. 314, an act to provide for a more uniform mode of doing township business in the county of Tippecanoe.

No. 317, an act declaring Musquato creek in Harrison county a public Highway.

No. 318, an act declaring a divorce in a certain case therein named, and for other purposes.

No. 320, an act to change the name of the town of Newton, to that of Ransalaer.

No. 325, an act to authorize the board doing county business for the county of Marion, to vacate, or make any alteration in the town of Bridgeport in said county.

No. 313, an act to repeal a certain act therein named, each without amendment.

A message from the Senate by Mr. Test their Secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that the Senate have appointed a second committee of Free Conference, to take into consideration the disagreeing votes of the two Houses on the bill to amend an act pointing out the mode of assessing and collecting the revenue of the State for 1840, &c.

And that Messrs. Elliott and Nave, have been appointed said committee, on the part of the Senate.

A message from the Senate by Mr. Test, their Secretary.

MR. SPEAKER—

I am directed by the Senate to inform the House, that the Senate has passed engrossed bills of the House as follows, to wit:

No. 91, an act to legalize the acts of the trustees of the town of Rockport in Spencer county and for other purposes.

No. 109, an act to incorporate the Governor's Guards, in Spencer county.

No. 100, an act to legalize the proceedings of road commissioners in De Kalb county.

No. 113, an act to repeal an act entitled "an act to incorporate the Greencastle's Saving Institution and Manufacturing and Trading Company.

No. 122, an act to legalize the proceedings of the Board doing county business in Huntington county.

No. 289, an act to amend an act entitled "an act to organize probate courts, and defining the powers of executors, administrators, and guardians."

No. 307, an act to amend an act entitled "an act to provide for a more uniform mode of doing township business in the several counties therein named.

No. 312, an act to authorize John Ashley to build a mill dam across the Maumee river.

No. 316, an act to incorporate the Cass Guards.

No. 323, an act to legalize the acts of the Board of justices of the peace in Crawford county.

No. 343, an act to incorporate the Crawfordsville female institute; Also a joint resolution of the House.

No. 345, a joint resolution relative to the State prison, each without amendment.

A message from the Senate by Mr. Test, their Secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House, that the Senate has passed an engrossed bill and joint resolution of the House, as follows, to wit:

No. 356, an act supplemental to an act entitled "an act to amend the law concerning domestic attachment," passed at the present session, and for other purposes.

No. 366, a joint resolution relative to the public printers, each without amendment.

A message from the Senate by Mr. Test, their Secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House, that the Senate has passed a joint resolution of the House, No. 384, entitled, a joint resolution relative to the revenue, without amendment.

A message from the Senate, by Mr. Cathcart, a member:

MR. SPEAKER—

The Senate have receded from their amendment to the bill of the

House, No. 92, entitled an act for the relief of the settlers on the Washash and Erie canal.

A message from the Senate by Mr. Test, their Secretary:

MR. SPEAKER—

I am directed by the Senate, to inform the House of Representatives, that the Senate has passed an engrossed bill of the House, No. 367, entitled "an act appointing surplus revenue agents for 1840; without amendments, in which the concurrence of the House is respectfully requested.

The Senate has receded from their amendments to the bill of the House, No. 363, entitled "an act making specific appropriations for the year 1840."

On motion,

The amendments of the Senate, to bill of the House, No. 367, were severally concurred in.

Ordered, That the Clerk inform the Senate thereof.

Mr. Moore of O., made the following report:

MR. SPEAKER:

The select committee to whom was referred a preamble and resolution to enquire into what amount of funds had been set apart for contingencies on the different public works, for the year 1839, and the cause of the delay by the board to make that report, your committee have performed that duty, and are informed by the president of the board that the report has been made to this House, and your committee is satisfied of that fact, and ask to be discharged from the further consideration of the subject.

On motion,

The committee was discharged.

On motion,

Mr. Eccles was added to the committee on enrolled bills.

A message from the Senate by Mr. Baird, a member:

MR. SPEAKER—

The Senate has passed an engrossed bill thereof, entitled a bill to prohibit the amalgamation of whites and blacks, which I am requested to report to the House of Representatives, and respectfully ask their concurrence therein.

The said bill was read a first, second and third times and passed.

Ordered, That the clerk inform the Senate thereof.

A message from the Senate, by Mr. Test their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House, that the Senate has passed an engrossed bill of the House,

No. 348, entitled a bill to establish certain state roads therein named, and for other purposes, with an amendment, in which I am directed to ask the concurrence of the House.

On motion,

The amendment was concurred in.

Ordered, That the clerk inform the Senate thereof.

A message from the Senate, by Mr. Test their Secretary:

MR. SPEAKER—

The Senate has passed an engrossed joint resolution of the House No. 278, in relation to the appointment of an agent to examine the condition of the State Bank of Indiana,

With an amendment, in which they respectfully ask the concurrence of the House.

On the question, Shall said amendment be concurred in? it was decided in the negatives.

Mr. Milroy made the following report:

MR. SPEAKER—

The committee on enrolled bills have compared with the original bills of the House,

No. 355, an act supplemental to an act, to provide for the inspection of salt, beef, pork, and tobacco; and

No. 92, an act for the relief of settlers on the Wabash and Erie canal lands—and find the same correctly enrolled.

Whereupon,

The Speaker signed the same.

Ordered, That the clerk carry them to the Senate for the signature of their President.

Mr. Morrison made the following report:

MR. SPEAKER—

The joint committee on enrolled bills report, that they have this day presented to the Governor for his approval and signature, bills of the House, of the following titles, viz:

No. 247, an act to authorise Daniel J. Hancock and Isaac Hancock to build a toll bridge across South Hogan, in Dearborn county;

No. 131, an act to amend an act entitled an act to incorporate the town of Indianapolis, approved Feb. 17, 1838.

Whereupon,

The Speaker signed the same.

Ordered, That the clerk carry them to the Senate for the signature of their President.

Mr. Morrison made the following report:

MR. SPEAKER—

The joint committee on enrolled bills report, that they have compared engrossed with enrolled bills of the House of the following titles, viz:

No. 131, an act to amend an act to incorporate the town of Indianapolis, approved Feb. 17, 1838;

No. 247, an act to authorise Daniel J. Hancock and Isaac Hancock, to build a bridge across South Hogan creek in Dearborn county; and find the same truly enrolled.

Whereupon,

The Speaker signed the same.

Ordered, That the clerk carry them to the Senate for the signature of their President.

Mr. Morrison made the following report:

MR. SPEAKER:

The joint committee on enrolled bills report, that they have compared the engrossed with the enrolled bills of the House of the following titles, viz:

No. 313, an act to repeal a certain act therein named;

No. 153, an act to incorporate the White Lick Commercial company; and find the same truly enrolled.

Whereupon,

The Speaker signed the same.

Ordered, That the clerk carry them to the Senate for the signature of their President.

Mr. Morrison made the following report:

MR. SPEAKER—

The joint committee on enrolled bills report, that they have compared the engrossed with the enrolled bills of the House of Representatives, of the following titles, viz:

No. 281, an act to extend the time of payment to the purchasers of saline and school lands;

No. 223, an act to authorise the circuit court of Spencer county, to hold an additional term;

No. 358, an act for the benefit of the assessor of Lawrence county, and for other purposes;

No. 45, an act to amend an act subjecting real and personal estate to execution, approved Feb. 4, 1831;

No. 240, an act for the relief of Mary M. Holliday, administratrix of the estate of James W. Holliday, late collector of Tippecanoe county;

No. 228, an act for the relief of William B. Campbell;

No. 212, an act for the relief of John D. Morrison;

No. 318, an act declaring a divorce in a certain case therein named, and for other purposes;

And the following bills of the Senate, viz:

No. —, an act to amend an act, defining the duties of county treasurers, collectors, &c., approved Feb. 18, 1839;

No. 92, an act to authorize the school commissioners of the county of St. Joseph to hold the appointment of county treasurer:

No. 88, an act to prohibit the issuing or circulating small notes, commonly called shin plasters;

No. 771, an act for the relief of Mariah T. Rush of Dearborn county;

No. —, an act to vacate Georgetown in Hendricks county;

No. 53, an act to amend an act regulating the summoning and empannelling grand and petit jurors;

No. 161, an act for the relief of Julia Ann Adams;

No. 106, an act to amend the several acts of this State relative to the taking up of animals going astray, and water crafts and other articles of value adrift;

No. —, an act to vacate part of the town of Shepherdstown;

No. 65, an act to repeal a part of the 50 and 51st sections of an act entitled an act relating to State roads, approved Feb. 6, 1837;

No. 57, an act to amend an act entitled an act to incorporate the Richmond and Boston turnpike company, approved Feb. 15, 1839;

No. 158, a joint resolution relative to saline and seminary lands;

No. —, a joint resolution in relation to money due in the eastern cities and states, for State bonds disposed of;

Whereupon,

The Speaker signed the same.

Ordered, That the Clerk carry them to the Senate for the signature of their President.

Mr. Milroy made the following report:

MR. SPEAKER—

The joint committee on enrolled bills, have compared the original

with the enrolled bills as follows, to wit: bills of the Senate,

No. 91, an act to incorporate the Leeburgh school society;

No. 157, an act to relocate a State road in the counties of Gibson and Pike;

And bill of the House,

No. 84, an act to incorporate the city of Richmond in Wayne county; and find the same correctly enrolled.

Whereupon,

The Speaker signed the same.

Ordered, That the clerk carry them to the Senate for the signature of their President.

Mr. Hull made the following report:

MR. SPEAKER:

The joint committee on enrolled bills report, that they have this day presented to his Excellency the Governor, for his approval and signature, the following enrolled acts which originated in the House, viz:

No. 193, an act to authorize the qualified voters of this State, to vote for or against a convention for a revision of the Constitution of this State;

No. 99, an act concerning the tax imposed on lands of non-residents in Pike county, for the purpose of opening and repairing roads and highways;

No. 288, an act to vacate a certain State road in the county of St. Joseph;

No. 249, an act to amend an act entitled "an act granting to the citizens of Madison and the town of Lawrenceburgh a city charter;"

No. 265, an act for the relief of certificate holders to certain school lands in Monroe county;

No. 141, an act to incorporate the city of Fort Wayne;

Mr. Hull, from the joint committee on enrolled bills, made the following report:

MR. SPEAKER:

The joint committee on enrolled bills have compared the following engrossed bills of the Senate with the enrolled thereof, and find the same correctly enrolled:

No. 69, an act to authorize the sale of certain public ground in the town of St. Omer, in Decatur county, and for other purposes;

No. 12, an act amendatory of an act regulating the jurisdiction and duties of justices of the peace, approved February 17, 1838, and for other purposes;

No. 24, an act to amend the several acts regulating the practice of law;

No. 132, an act to authorise Campbell Dale to build a mill dam across White river;

No. 120, an act to authorise the election of an additional justice of the peace in Franklin township, Washington county.

A message from the Governor, by Mr. Moore his private Secretary:

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives, that he has this day approved and signed bills entitled acts, as follows, to wit:

An act to amend an act entitled an act granting to the citizens of Madison and the town of Lawrenceburgh, a city charter;

An act to incorporate the city of Fort Wayne;

An act to amend an act entitled an act to incorporate the town of Indianapolis, approved Feb. 17, 1838;

An act for the relief of certificate holders of certain school lands in Monroe county;

An act to authorise the qualified voters of this State to vote for or against a convention for a revision of the Constitution of this State;

An act concerning the tax imposed on lands of non-residents in Pike county, for the purpose of opening and repairing roads and highways;

An act to vacate a certain State road in the county of St. Joseph;

An act to authorise Daniel J. Hancock and Isaac Hancock to build a toll bridge across South Hogan creek, in Dearborn county;

All of which originated in the House of Representatives.

A message from the Governor, by Mr. Moore, his private Secretary:

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives, that he has this day approved and signed bills entitled acts, as follows:

An act to legalize the recording of the town plat of Marion;

An act to authorize certain officers to reinstate certain judgments and papers which were in their possession, and have been destroyed or defaced so as to render them unintelligible;

An act to incorporate the Adelpian literary society of Rockville;

An act to incorporate the Clonian Band of Rockville;

An act to give to the board of county commissioners of Spencer county jurisdiction over a certain portion of Warrick county;

An act repeal an act to incorporate the Noblesville insurance company;
 An act to recover the value of sheep killed by dogs;
 An act to provide for the election of a justice of the peace in the town of Alexander, Madison county;
 An act to amend an act entitled an act to incorporate the town of Jeffersonville;
 An act to annex all that part of East Knightstown, lying east of Blue river, to the town of Raysville;
 An act for the relief of Loyd Wedding;
 An act relative to the New Albany and Vincennes McAdamized road, and for the better regulation thereof, and for other purposes;
 And also a joint resolution entitled:
 A joint resolution relative to the publication of the reports of the Auditor and Treasurer of State, with the general and special acts of the Legislature.
 All of which originated in the House of Representatives.
 On motion,
 The House adjourned until Monday morning at seven o'clock.

MONDAY MORNING, FEBRUARY 24, 1840.

The House met pursuant to adjournment.

Message from the Senate, by Mr. Lane, a member:

MR. SPEAKER—

I am instructed to inform the House of Representatives, that the Senate have adopted the following resolution:

Resolved, That a committee of two be appointed on the part of the Senate, to act with a similar committee on the part of the House, to wait on his Excellency the Governor, and inform him that both Houses have gone through their Legislative business, and are ready to adjourn *sine die*, and learn of him if he has any further communication to make to the General Assembly.

And that Messrs. Beard of Montgomery and Lane, are appointed said committee on the part of the Senate.

On motion of Mr. Bennet, the House reciprocated the resolution. Messrs. Bennet and Spann were appointed said committee on the part of the House.

Mr. Bowles moved that bill of the House, No. 324, to dissolve the

present Board of Internal Improvement, the Board of Fund Commissioners and the Engineer Department, be taken under consideration.

Mr. Eccles moved that the House concur in the amendment of the Senate to said bill;

Which motion was decided in the affirmative.

Ordered, That Mr. Bowles inform the Senate thereof.

Mr. Osborn of C., moved to withdraw from the files of the House the petitions and remonstrance, in relation to the county seat of Clay county;

Which was agreed to by the House.

Mr. Perry moved to withdraw from the files of the House, bill No. 376, on the subject of the three per cent fund, in Dearborn county;

Which was agreed to by the House.

Mr. Jenckes moved to withdraw the joint resolution and accompanying papers, on the subject of the Cross-Cut canal;

Which was agreed to by the House.

A message from the Senate, by Mr. Test their Secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives, that the Senate has concurred in the amendment of the House to the bill of the Senate, No. 107, entitled "an act providing for selecting, rating, and selling lands yet due on the Wabash and Erie canal east of the mouth of the Tippecanoe river.

Mr. Osborn of F., made the following report:

MR. SPEAKER—

The joint committee on enrolled bills report, that they did on the 22d instant, present to his excellency the Governor for his approval and signature, the following entitled acts and joint resolutions, which originated in the House of Representatives, to wit:

No. 281, an act to extend the time of payment to the purchasers of saline and school lands;

No. 282, an act for the relief of William B. Campbell;

No. 318, an act declaring a divorce in a certain case therein named;

No. 350, an act for the benefit of the assessor of Lawrence county, and for other purposes;

No. 212, an act for the relief of John D. Morrison;

No. 223, an act to authorize the circuit court of Spencer county to hold an additional term;

No. 240, an act for the relief of Mary M. Holliday, administratrix of the estate of James W. Holliday, deceased, late collector of Tippecanoe county;

No. 355, an act supplemental to an act to provide for the inspection of salt, beef, flour, pork, and tobacco;

No. 92, an act for the relief of settlers on the Wabash and Erie canal lands;

No. 313, an act to repeal a certain act therein named.

No. 153, an act to incorporate the White Lick commercial company;

No. 84, an act to incorporate the city of Richmond, Wayne county, Indiana;

No. 45, an act to amend an act subjecting real and personal estate to execution, approved Feb. 4, 1831;

No. 384, a joint resolution on the subject of the revenue;

No. 289, an act to amend an act entitled an act to organize probate courts and defining the powers and duties of executors, administrators and guardians, approved Feb. 17, 1838;

No. 379, an act for the relief of John Wynn and others;

No. 109, an act to incorporate the Governor's Guards of Gentryville, in Spencer county;

No. 293, an act relative to the Clay county seminary;

No. 380, an act for the relief of those likely to suffer by the destruction by fire of the books and papers in relation to the surplus revenue in Carroll county, and to secure the final payments;

No. 330, an act defining the duty of the county board in a certain case therein named;

No. 373, an act to vacate a part of a State road;

No. 361, an act to repeal an act providing for a more uniform mode of doing township business, approved Feb. 17, 1838, so far as relates to Washington county;

No. 344, an act relative to the collectors of the revenue;

No. 333, an act concerning school districts in Scott county.

Mr. Milroy made the following report:

MR. SPEAKER:

The joint committee on enrolled bills have compared the enrolled with the engrossed bills of the House, as follows, to wit:

No. 368, an act for the better regulation of the Militia of Indiana;

No. 331, an act to incorporate the Patriot silk and trading company;

No. 353, an act to authorize a portion of the citizens of township fifteen, north of range 86, in Hancock county, to build a school house on section thirty in said township;

No. 368, an act making general appropriations for the year 1840;

No. 345, a joint resolution in relation to the State prison;

No. 370, an act for the relief of Mentor Johnson, collector of Clay county;

No. 91, an act to legalize the acts of the trustees of the town of Rockport in Spencer county, and for other purposes;

No. 158, an act to amend an act entitled "an act regulating the jurisdiction and duties of justices of the peace," approved February 17, 1838.

No. 363, an act making specific appropriations for the year 1840;

No. 343, an act to incorporate the Crawfordsville Female Institute;

No. 356, an act supplemental to an act entitled "an act to amend the law concerning domestic attachments," passed at the present session, and for other purposes;

No. 360, a joint resolution in relation to the expenditures attendant on the issue of treasury notes, and for other purposes;

No. 310, an act to provide for the sale of Michigan road lands, remaining unsold, and for other purposes;

No. 234, an act for the relocation of the seat of justice of Blackford county;

No. 161, an act to incorporate the Wabash Rangers;

No. 348, an act to establish certain State roads therein named, and for other purposes;

And find the same correctly enrolled.

Whereupon,

The Speaker signed the same.

Ordered, That the clerk carry them to the Senate for the signature of their President.

Mr. Eccles made the following report:

MR. SPEAKER—

The joint committee on enrolled bills report, that they have compared the enrolled with the engrossed bills which originated in the House of Representatives, of the following titles, to wit:

No. 371, an act supplemental to an act amending the act incorporating the town of Princetown, approved December 20, 1838;

No. 207, an act to incorporate the Deerfield, Albany and Marion turnpike company;

No. 381, an act legalizing the sale of certain school lands in Cass county;

No. 359, an act to amend an act entitled "an act for attaching Carroll county to the eighth judicial circuit, and for other purposes," approved February 7, 1840;

No. 122, an act to legalize the proceeding of the Board doing county business in Huntingdon county;

No. 367, an act appointing surplus revenue agents for the year 1840;

No. 314, an act to provide for a more uniform mode of doing township business in the county of Tippecanoe;

No. 317, an act declaring Musquito Creek in Harrison county a public highway;

No. 207, an act to amend an act entitled "an act to provide for a

more uniform mode of doing township business in the counties therein named," approved February 17, 1838;

No. 316, an act to incorporate the Cass Guards;

No. 110, an act to legalize the proceedings of the Board of county Commissioners of DeKalb county;

No. 325, an act authorizing the Board doing county business in the county of Marion to vacate or make any alteration in the town of Bridgeport in Marion county;

No. 313, an act to repeal an act entitled "an act to incorporate the Greencastle savings institution and manufacturing company," approved February 16th, 1839;

No. 323, an act to amend an act to legalize the acts of the Board of justices of the peace in Crawford county, approved 6th February, 1836;

No. 312, an act to authorize John Ashby to build a mill dam across the Maumee river;

No. 354, an act to amend an act entitled "an act relating to public roads and highways, approved February 17th, 1838;

No. 309, an act relative to counties in the fifth judicial circuit.

No. 366, a joint resolution in relation to the public printer;

No. 41, an act to amend an act entitled "an act to attach one fourth of township No. thirty, north of range four east to the county of Fulton;

No. 365, a joint resolution on the subject of agriculture;

No. 319, an act for the relief of Adolphus Huggins of Ripley county;

No. 339, an act to repeal so much of the fourth section of an act entitled "an act for the formation of the second and third judicial circuits and providing for holding courts therein, approved February 17, 1838, as relates to the June term of the Jefferson circuit;

No. 354, an act to amend an act entitled "an act relating to public roads and highways," approved February 17th, 1838;

No. 309, an act relative to the counties in the fifth judicial circuit.

No. 366, a joint resolution in relation to public printer;

No. 365, a joint resolution on the subject of agriculture;

No. 319, an act for the relief of Adolphus Huggins of Ripley county;

All of which several bills were presented to the Governor for his signature.

Mr. Osborn of F. made the following report:

MR. SPEAKER:

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bills and joint resolutions which originated in the House of Representatives of the following titles, to wit:

No. 384, a joint resolution on the subject of the revenue;

No. 289, an act to amend an act entitled "an act to organize probate courts, and defining the powers and duties of executors, administrators, and guardians," approved February 17, 1838;

No. 379, an act for the relief of John Wynn and others;

No. 109, an act to incorporate the Governor's Guards of Gentryville in Spencer county;

No. 293, an act relative to the Clay county seminary;

No. 380, an act for the relief of those likely to suffer by the destruction by fire of the books and papers in relation to the surplus revenue in Carroll county, and to secure its final payment;

No. 330, an act defining the duty of the county board in a certain case therein named;

No. 373, an act to vacate a part of a State road;

No. 344, an act relative to the collector of the revenue;

No. 361, an act to repeal an act providing for a more uniform mode of doing township business, approved February 17, 1838, so far as relates to Washington county;

No. 338, an act concerning school districts in Scott county;

No. 320, an act to change the name of the town of Newton to that of Rensselaer;

No. 339, an act to repeal so much of the fourth section of an act entitled "an act for the formation of the second and third judicial circuits, and providing for holding courts therein," approved February 17, 1838, as relates to the June term of the Jefferson circuit court;

No. 378, an act relative to the probate courts in Clark county;

No. 362, an act to establish a certain State road therein named;

No. 341, an act to authorize the election of one additional justice of the peace in the town of Pittsburgh in Carroll county;

No. 311, an act for the relief of John Hyden of Owen county;

No. 364, an act to authorize the relocation of a part of a certain State road in Carroll county therein named;

And find the same truly enrolled.

Whereupon the Speaker signed the same.

Ordered, That the clerk carry the same to the Senate for the signature of their President.

Mr. Eccles made the following report:

MR. SPEAKER—

The joint committee on enrolled bills, have compared the enrolled with the engrossed bills, originating in the House of Representatives as follows, to wit:

No. 371. An act supplemental to an act amending the act incorporating the town of Princeton, approved December 20, 1838.

„ 307. An act to incorporate the Deerfield, Albany, and Marion Turnpike Company.

No. 381. An act legalizing the sale of certain school lands in Cass county.

„ 359. An act to amend an act, entitled an act for attaching Carroll county, to the eighth judicial circuit, approved February 7, 1840.

„ 122. An act to legalize the proceedings of the board doing county business in Huntington county.

„ 367. An act appointing surplus Revenue Agents for the year 1840.

„ 314. An act to provide for a more uniform mode of doing township business in the county of Tippecanoe.

„ 317. An act declaring Musquito creek, in Harrison county, a public highway.

„ 307. An act to amend an act entitled “an act to provide for a more uniform mode of doing township business in the counties therein named,” approved February 17, 1838.

„ 316. An act to incorporate the Cass Guards.

„ 110. An act to legalize the proceedings of the Board of county commissioners of De Kalb county.

„ 325. An act authorizing the Board doing county business in the county of Marion to vacate or make any alteration in the town of Bridgeport in Marion county.

„ 313. An act to repeal an act entitled “an act to incorporate the Greencastle Savings Institution and Manufacturing Company,” approved February 16, 1839.

„ 323. An act, to amend an act to legalize the acts of the Board of justices of the peace in Crawford county, approved 6th of February 1836.

„ 312. An act to authorize John Ashly to build a mill dam across the Maumee river.

„ 354. An act to amend an act entitled “an act relating to public roads and highways,” approved February 17, 1838.

„ 309. An act relating to counties in the fifth judicial circuit.

„ 366. A joint resolution in relation to the public printer.

„ 41. An act to amend an act entitled an act to attach one fourth of township No. 30, north of range four east, to the county of Fulton.

„ 365. A joint resolution on the subject of agriculture.

„ 319. An act for the relief of Adolphus Huggins of Ripley county.

„ 354. An act to amend an act entitled an act relating to public roads and highways, approved February 17, 1838.

„ 309. An act relative to the counties in the fifth judicial circuit, And find the same to be correctly enrolled.

Mr. Osborn of F. made the following report:

MR. SPEAKER--

The joint committee on enrolled bills report, that they have com-

pared the engrossed with the enrolled *bills*, which originated in the Senate, and find them to be truly enrolled, viz:

- No. An act relating to State roads.
- „ 35. An act to prohibit the amalgamation of Whites and Blacks.
- „ An act to incorporate the Spencer county Working Men's Institute for mutual instruction.
- „ 144. An act to incorporate the Indianapolis Typographical Society.
- „ 135. An act amendatory, to an act entitled an act, incorporating Congressional townships, and providing for common schools therein, approved February 17, 1838.
- „ 25. An act relative to the State House and for other purposes.
- „ 136. An act in relation to lands within the chartered limits of the City of New Albany, and solely used for farming and Woodland purposes.
- „ 149. An act fixing the time of holding the session of the board of commissioners of the county of Marion for the year 1840.
- „ 147. An act to regulate vending merchandize at auction in this State.
- „ 133. An act to amend "an act entitled an act concerning the Seminary townships of land in Gibson and Monroe counties, approved January 25th, 1837."
- „ 150. An act to amend an act, to amend the several acts for the collection of the revenue, and to repeal an act to provide a fund to encourage common schools, approved Feb. 2d, 1832, and an act in furtherance thereof, approved Feb. 7th, 1835, approved Feb. 18th, 1839.
- „ 86. An act to amend the act to regulate general elections, approved Feb. 17th, 1838.
- „ 143. A preamble and joint resolution in relation to the north eastern boundary; and
- „ 107. An act providing for selecting, retailing, and selling lands yet due on the Wabash and Erie canal lands east of the mouth of Tippecanoe river, and for other purposes;

Whereupon, the Speaker signed the same.

Ordered, That the clerk carry the same to the Senate for the signature of their president.

A message from the Governor, by Mr. Moore, his private Secretary:

MR. SPEAKER—

I am directed by the Governor to inform the House of Representatives, that he has this day approved and signed bills, entitled acts, as follows, to wit:

"An act to authorize the election of one additional justice of the peace in the town of Pittsburgh in Carroll county."

"An act to authorize the re-location of a part of a certain state road in Carroll county therein named."

"An act to establish a certain state road therein named."

"An act relative to the Probate court in Park county."

"An act for the relief of Adolphus Huggins of Ripley county."

"An act to change the name of the town of Newton, to that of Rensselaer."

"An act for the relief of John Hyden of Owen county."

"An act to amend an act entitled an act to attach one fourth of township No. 30, north of range four east, to the county of Fulton."

"An act relative to the Clay county Seminary."

"An act to repeal so much of the fourth section of an act entitled an act for the formation of the second and third judicial circuits, and providing for holding courts therein, approved February 7th, 1838, as relates to the June term of the Jefferson Circuit Court."

"An act relative to the counties in the fifth judicial Circuit."

"An act to amend an act entitled an act relating to public roads and highways, approved February 19th, 1838."

"An act authorizing the board doing county business in the county of Marion, to vacate, or make any alteration, in the town of Bridgeport in Marion county."

"An act to legalize the proceedings of road commissioners of De Kalb county."

"An act to amend an act entitled an act for attaching Carroll county to the eighth judicial circuit, approved February 7th, 1840."

"An act for the relief of John D. Morrison."

"An act to legalize the proceedings of the board doing county business in Huntington county."

"An act concerning school districts in Scott county."

"An act relative to the collector of the revenue."

"An act to repeal an act providing for a more uniform mode of doing township business, approved February the 17th, 1838, so far as relates to Madison county."

"An act defining the duty of the county board of Fayette county, in a certain case therein named."

"An act supplemental to an act amending the act incorporating the town of Princeton, approved December 20th, 1838."

"An act to amend an act entitled an act to organize Probate Courts, and defining the power, and duties of executors, administrators, and guardians, approved February 17, 1838."

"An act to amend an act entitled, an act to provide for a more uniform mode of doing township business in the several counties therein named, approved February 17, 1838."

"An act legalizing the sale of certain school lands in Cass county."

"An act to authorize John Ashley to build a mill dam across the Maumee river."

"An act to repeal an act entitled an act to incorporate the Green-castle Savings Institution, and Manufacturing Company, approved February 16, 1839."

"An act for the relief of John Wynn and others."

"An act to amend an act to legalize the acts of the board of justices

of the peace in Crawford county, approved 6th February 1838."

"An act supplemental to an act passed at the present session of the General Assembly, entitled an act to change the name of Harvy Slocum of Jefferson county."

"An act for the relief of those likely to suffer by the destruction, by fire, of the books and papers in relation to the surplus revenue, in Carroll county, and to secure its final payment."

"An act to vacate a part of a certain state road."

"An act to incorporate the Governor's Guards of Gentryville in Spencer county."

"An act to incorporate the Deerfield, Albany and Marion Turnpike Company."

"An act to amend an act subjecting real and personal estate to execution, approved February 4, 1831."

"An act for the relief of settlers on the Wabash and Erie canal lands."

"An act to incorporate the city of Richmond, Wayne county, Indiana."

"An act to incorporate the White Lick Commercial Company."

"An act for the relief of Mary M. Holiday, administratrix of the estate of James W. Holiday, deceased, late collector of Tippecanoe county."

"An act to authorize the Circuit Court of Spencer county, to hold an additional term."

"An act supplemental to an act to provide for the inspection of salt, beef, flour, pork, and tobacco."

"An act to repeal a certain act therein named."

"An act declaring a divorce in a certain case therein named, and for other purposes."

"An act to extend the time of payment to the purchasers of saline, and school lands."

"An act declaring Musquito creek, in Harrison county, a public highway."

"An act for the benefit of the assessor of Lawrence county, and for other purposes."

"An act for the relief of William B. Campbell."

"An act to incorporate the Cass Guards."

"An act to provide for a more uniform mode of doing township business in the county of Tippecanoe."

"An act appointing surplus revenue agents, for the year 1840."

The Governor has also, on this day, approved and signed joint resolutions of the titles following, to wit:

"A joint resolution in relation to the public printer."

"A joint resolution on the subject of Agriculture."

"A joint resolution on the subject of the revenue."

All of which originated in the House of Representatives.

On motion,

The House adjourned until two o'clock, P. M.

Two o'clock P. M.

The House met pursuant to adjournment.

A message from the Senate, by Mr. Morrison their assistant Secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives, that the Senate insist upon their amendment to the joint resolution of the House, No. 278, in relation to the appointment of an agent to examine into the condition of the State Bank of Indiana.

Mr. Moore of O., moved to concur in the amendment of the Senate, with an amendment, striking out the name of Joseph C. Eggleston, and inserting the name of C. P. Hester.

Mr. Bowles moved that the House insist on their disagreement to the amendment of the Senate.

And the ayes and noes being thereon,

Those who voted in the affirmative were:

Messrs. Bowles, Carlton of L., Cogswell, Cutter, Eccles, Garrigus, Gardner, Henley, Hunt of J., Johnson, Lane, Milroy, Moore of O., Moore of V., Perry Spann, and Mr. Speaker—17.

Those who voted in the negative were:

Messrs. Allison Bell, Bennett, Campbell, Fisher, Flint, Frisbie, Hamer, Hunt of R., Jenckes, Lanius, McGaughey, Morgan, Osborn of C., Robinson of J., Southard, and Woodard—17.

There not being a quorum of members present the motion was lost.

Mr. Milroy made the following report:

MR. SPEAKER—

The joint committee on enrolled bills have compared the enrolled with the engrossed bill of the House of Representatives as follows:

No. 324, an act to dissolve the present Board of Internal Improvement, the Board of Fund commissioners, and the Engineer Department,

And find the same truly enrolled.

Whereupon the Speaker signed the same.

Ordered, That the Clerk carry the same to the Senate for the signature of their President.

A message from the Governor by Mr. Moore, his private Secretary:

MR. SPEAKER—

I am directed by the Governor to inform the House of Representatives, that he has this day approved and signed bills, entitled acts, as follows, to wit:

An act to amend an act entitled "an act regulating the jurisdiction and duties of justices of the peace," approved February 17, 1838;

An act for the relocation of the seat of justice of Blackford county;

An act supplemental to an act entitled "an act to amend the law concerning domestic attachment passed at the present session, and for other purposes;"

An act to legalize the acts of the trustees of the town of Rockport in Spencer county, and other purposes;

An act to incorporate the Wabash Rangers;

An act to incorporate the Crawfordsville Female Institute;

An act for the better regulation of the militia of the State of Indiana;

An act for the relief of Mentor S. Johnson, collector of Clay county;

An act to incorporate the Patriot Silk and Trading Company;

An act to provide for the sale of Michigan road lands remaining unsold, and for other purposes;

An act to authorize a portion of the citizens of township fifteen, north of range eight east in Hancock county, to build a school house on section thirty in said county;

An act making specific appropriations for the year 1840;

An act making general appropriations for the year 1840;

An act to establish certain State roads therein named, and for other purposes;

An act to dissolve the present Board of Internal Improvement, the Board of Fund Commissioners and the Engineer Department;

And also joint resolutions entitled "a joint resolution in relation to the State prison;"

A joint resolution in relation to the expenditures attendant upon the issue of Treasury notes, and for other purposes;

All of which originated in the House of Representatives.

¶ Mr. Spann made the following report:

MR. SPEAKER—

The committee appointed on the part of the House to act with a similar one on the part of the Senate to wait on his Excellency the Governor and learn of him if he has any further communications to make

to the General Assembly, have discharged that duty and received for answer that he has no further communications to make.

A message from the Senate by Mr. Morrison their assistant Secretary:

MR. SPEAKER—

I am instructed by the Senate to inform the House of Representatives, that the Senate have gone through the business before them and are now ready to adjourn *sine die*.

On motion of Mr. Bowles,

The House reciprocated in the resolution of the Senate,
Which motion was decided in the affirmative.

Mr. Bowles then moved that the House do now adjourn *sine die*;
Which motion was decided in the affirmative.

Previous to announcing the decision from the chair, the Speaker arose and made the following address:

GENTLEMEN—

The hour has at last arrived, when our deliberations must close, and in obedience to a custom long since established, and in justice to my own feelings, I must be permitted to make a few remarks before we separate.

I came to this chair, gentlemen, to gratify no private or political antipathies. I am conscious that its arduous duties have been discharged with an eye alone to the interest of the State, the character and dignity of the House, and my own honor.

I think it will be conceded to me, that in all my decisions upon points of order, as your Speaker, that I was not, in any instance governed by party feelings. My only object was, a faithful discharge of duty, and your kind and flattering vote of approbation, adopted in such unity of good feeling, assures me that my efforts have not been in vain; and candor requires me to say to you, that amidst all the difficulties of the chair, it has experienced your kindness, your confidence, your forbearance, and your support.

If, gentlemen, in the course of this long and laborious session, the peace and harmony of your deliberations have been disturbed under the influence of moments of excitement of passion or party, I trust that they have happily passed away, and that we shall separate in peace and good will.

I think, all will agree, that no previous Legislature in this State, ever assembled with a greater burthen resting on it, than the one now about closing. Owing to various causes, we found the energies of the State greatly paralyzed, and to sustain her credit and dignity was, I have no doubt, the ardent wish of all; and how far that has been done, time alone can tell.

You have, gentlemen, relinquished for a short time, the various vocations of private life, for the service of our common country, and while laboring together in the same vineyard, it was natural to form an attachment which I hope will never be obliterated.

I am well satisfied, gentlemen, that your patience must be wearied, by the various incidents to a long session. Eighty-six counties are represented in this body. It contains 100 members. Every citizen of the State has a constitutional right to be heard through his representative, on subjects involving his interest; and when we reflect on the unparalleled increase of population in the State, with a legislature composed of 147 members, it cannot be a matter of surprise that twelve weeks have been occupied in the multiplied business required by the wants of the people.

To illustrate for a moment the progress of Indiana, suffer me to say that 19 years ago, when I first took my seat in this House, there was but 27 counties in the State and only 31 members. This place and the vicinity for nearly 100 miles, was a vast howling wilderness—the red man moved at large, he acknowledged no superior but the great spirit—the fleeting deer, the howling wolf, the growling bear, were the only victims of his daring arrow—he wished for no bed except the green clad earth, he wanted no covering but the blue arched canopy of Heaven—the red man has gone, another race now occupies his hunting ground, instead of a vast uncultivated wilderness, is to be seen fine farms are producing all the comforts of life, instead of the Indian wigwam, is to be seen, neat houses erected for the comfort of the husbandman; instead of the mighty oaks and lofty elms, that reared their branches above the clouds, and bade defiance to the winds and storms, are to be seen spires of churches, glittering in the sun beam of Heaven, erected to the worship of the living God.

I will not gentlemen, detain you at this moment of anxiety, shall I say to you then, that the moment has arrived when we must separate, already does the heart quicken its anxious beat for the anticipated endearments of home, sweet home, where we shall I trust, be welcomed by the smiles of wife, children, and friends.

I again repeat, gentlemen, that the moment has arrived when we must part—many of us never again to meet this side of that bourne from whence no traveller returns.

I wish you, gentlemen, a safe return to your families and friends, and whatever our future destinies may be, my prayer to an overruling providence, is, that our lives may be useful and happy.

And in the discharge of the last act of duty, by declaring this House adjourned *sine die*, I bid you all an affectionate farewell.

NATHANIEL BOLTON,

Ass't Clerk of the House of Reps.



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BILLS OF THE HOUSE.

	Introduced.	Pass'd H.R.	Passed Sen.
No. 1, to abolish imprisonment for debt	31	225	
2, for the relief of collector of Laporte county	31	110	116
3, to change the name of Harry Slocum of Jefferson county	31	86	184
4, to declare a certain county road therein named a State road in Henry county	45		
6, for the relief of the heirs of Robert Meek	61	110	339
7, providing for a more uniform mode of ascertaining the weight of certain quantities of grain	62	194	792
8, to recover the value of sheep killed by dogs	62	110	792
9, to charter the Evansville Rifle Rangers	62	193	713
10, for the relief of Wesley White, collector of Putnam county	62	62	95
11, for the relief of the collector of Fayette county	62	170	
12, to change the time of holding courts in the eleventh circuit	62	110	484
13, to change the name of Levina Fallis	62	110	183
14, to incorporate the Columbus Savings Institution	62		
15, to provide for the election of justices of the peace in Manhattan, Putnam county	78	111	116
16, declaring a certain county road therein named a State road	78		
18, to regulate the jurisdiction of justices of the peace in Green county	84	193	703
19, to repeal the act providing for a more uniform mode of doing township business in the several counties therein named, so far as it relates to Clinton county	84	362	482
20, to amend an act entitled "an act regulating the duties of justices of the peace"	84		
21, to amend an act entitled "an act regulating the duties of justices of the peace"	84		
22, to vacate part of a street in the town of Brookville	85	111	339

BILLS OF THE HOUSE.

	Introduced.	Pass'd H. R.	Pass'd Sen.
No. 23, to incorporate the New Washington Seminary	87	111	298
24, a bill for the relief of James Copeland & Macklin Copeland - - - - -	87	111	338
25, to relocate part of the Greensburgh and Franklin State road - - - - -	87		
26, entitled a bill for a State road in the counties of Cass and Miami - - - - -	87		
27, a bill to amend an act entitled "an act to regulate the mode of doing county business in the several counties in this State," approved Feb. 17, 1838	91		
28, a bill to regulate the jurisdiction of justices of the peace in Boone county - - - - -	91	111	404
29, a bill to amend an act entitled "an act to organize probate courts and defining the powers and duties of executors, administrators, and guardians	91	362	
30, a bill supplemental to an act relative to public roads and highways, approved Feb. 17, 1838	91	111	339
31, to provide for the election of an additional justice of the peace in the town of New London, Daviess county - - - - -	95	184	267
32, providing for the election of three school commissioners in township No. 14, north of range 7 west, in Parke county - - - - -	95	95	104
33, a bill legalizing the acts and proceedings of the trustees of school district township No. 6, north of range 9 west, in Sullivan county; in relation to the town of Edwardsport, - - - - -	95	193	703
34, to vacate the town of Bath - - - - -	96	194	703
35, for the benefit of persons who are likely to suffer by the destruction of the records of Dubois county - - - - -	98	184	184
36, for the relief of the collector of Porter county	98		
37, to relocate a part of the State road from Indianapolis to New Castle, in Henry county -	102		
38, a bill to authorize the election of a justice of the peace and constable in the town of Fredericksburgh, in Washington county - - - - -	102	193	227
39, a bill to amend an act entitled "an act for a more uniform mode of doing county business in the several counties therein named," approved Feb. 17, 1838 - - - - -	102	193	
40, for the relief of unpaid contractors -	109	169	

BILLS OF THE HOUSE.

	Introduced.	Pass'd H. R.	Pass'd Sen.
No. 41, to amend the act attaching one fourth of township No. 30, north of range 4 east, to the county of Fulton - - - - -	109	193	984
42, to amend the act fixing the times of holding courts in the 4th judicial circuit : -	109	193	339
43, to amend the act organizing the supreme court, &c. - - - - -	109	193	
44, to incorporate the Point commerce, manufacturing and trading company, and for other purposes	109	363	713
45, subjecting real and personal estate to execution	112	476	940
46, regulating jurisdiction of justices of the peace in Grant county - - - - -	112	193	703
47, to vacate the town of Economy in Gibson county - - - - -	112	193	703
50, to locate a State road from Spencer in Owen county, to Anquilla in Clay county - -	130		
51, authorizing the Vanderburgh Lyceum to sell or donate, transfer or convey real estate - -	130	362	482
52, for the further improvement and final completion of the Michigan road - - - - -	130		
53, a bill for the relief of Julia Simms - -	137	193	227
54, to repeal part of an act concerning Knox county	137	193	703
55, to reduce the salaries of public officers -	137		
56, to legalize certain acts of the board doing county business in Dubois county - - -	138	371	404
57, supplemental to an act concerning the appointment of trustees to receive deeds for lots or lands, &c. - - - - -	138	193	
58, to amend the act regulating the jurisdiction and duties of justices of the peace - - -	138		
59, a bill for the relief of the collector of St. Joseph	144	193	217
60, a bill to amend an act regulating grist mills and millers - - - - -	146		
60, a bill to amend and revive an act to locate a State road therein named - - - - -	148		
61, relative to the mode of levying taxes and fixing the per centum for State purposes - -	148		
62, to provide for a more uniform mode of doing township business in the several counties therein named - - - - -	148	193	792
63, for the election of prosecuting attorneys in each county, &c. - - - - -	148		

BILLS OF THE HOUSE.

	Introduced.	Pass'd H. R.	Pass'd Sen.
No. 64, to amend an act for the protection of the Madison and Indianapolis rail road - -	149	203	814
65, a bill for the relief of Nicholas Cromwel and others - - - - -	181	203	238
66, to amend the law relative to domestic attachments - - - - -	152	152	156
69, a bill for the relief of contractors, and for a judicious construction of the public works, &c.	156		
70, a bill to incorporate the Orange county female seminary - - - - -	157	362	
71, to amend the act incorporating the New Harmony working men's institute, &c. . . .	160	192	404
72, to provide for the election of a justice of the peace in Alexandria, Madison county . .	160	203	943
73, for the relief of contractors on the Wabash and Erie canal	163		
74, to legalize the times of holding courts in Madison county	163	203	338
75, a bill for the immediate relief of contractors and others on the public works	163	270	423
76, to provide for the formation of the county of — and for other purposes			
77, to dissolve the bands of matrimony between Charles Falerton and wife - - - -	166	362	
79, to provide for the sale of Wabash and Erie canal lands, and for other purposes - -	181		
80, regulating the duties and jurisdiction of justices of the peace in Jackson county - -	181	203	338
81, to repeal the act vacating a part of the town of Milford in Kosciusko county - - -	181	203	
82, to amend an act to incorporate Lawrenceburgh Bridge Company - - - - -	187	362	713
83, to legalize the incorporation of the town of Brookville, &c. - - - - -	190	627	703
84, to incorporate the city of Richmond in Wayne county - - - - -	190	362	943
85, to locate a State road in White and Carroll counties - - - - -	190		
86, to relocate the county seat of Lagrange county	195	362	713
87, to rebuild bridge across Laughery creek in Ripley county - - - - -	195	362	

BILLS OF THE HOUSE,

	Introduced.	Pass'd H. R.	Pass'd Sen.
No. 88, to enlarge the power of the probate court of Marion in a certain case therein named -	196	362	814
89, to vacate the town of Voltonville - -	196	362	482
90, to change the name of the town of Wilmington	196	362	482
91, to legalize the acts of the trustees of the town of Rockport, &c. - - - -	200	362	986
92, for the relief of settlers on canal lands -	200	769	947
93, to locate a State road in the county of Dubois	201		
94, declaring certain names therein a misprint	201	362	792
95, to regulate the jurisdiction of justices of the peace in Brown county - - - -	201	362	
96, to incorporate the Greensburgh and Vernon turnpike company - - - -	201	699	793
97, to incorporate the town of Noblesville in Hamilton county - - - -	203	362	713
98, to repeal an act to vacate a State road from Corydon in Harrison county to the Ohio river -	206	362	482
99, concerning the tax imposed upon the land of non-residents in Parke county, &c. - -	206	362	
100, to locate a State road in the counties of Tippecanoe and Jasper - - - -	207	362	987
101, to locate a State road therein named -	207	362	733
102, to authorize the election of an additional justice of the peace in Wayne township Marion county	207	362	482
103, to locate a State road in Green county -	217	319	482
104, to amend an act pointing out the mode of levying taxes, &c. - - - -	217		
105, to amend an act establishing certain State road therein named - - - -	217		
106, to amend an act relative to domestic attachments - - - -	217		
107, to authorize Stephen Barnes to build a mill dam across White river - - -	217	362	657
108, to locate a State road in Hancock county	217		
109, to incorporate the Governor's Guards in Spencer county - - - -	217	362	986
110, to legalize the proceedings of the commissioners of DeKalb county - - - -	217	362	
111, to repeal an act amendatory to an act regulating the taking up of astrays - -	221		
112, to take the enumeration of white male inhabitants above the age of twenty-one years -	221		

BILLS OF THE HOUSE,

	Introduced.	Pass'd H.R.	Pass'd Sen.
No. 113, to incorporate the Greencastle Savings Institute, &c. - - - - -	222	362	987
114, to authorize the location of a State road from Camden in Carroll county to Marion in Grant county - - - - -	222		
117, concerning a school section in Tippecanoe co. - - - - -	225	362	482
118, to incorporate the Anderson river Bridge Company - - - - -	230	362	713
119, to fix the time of holding courts in the fifth judicial circuit - - - - -	245	379	415
120, that the people may elect their assessors, &c. - - - - -	247		
121, to amend the act incorporating the Indiana Mutual Fire Insurance Company - - - - -	248	362	814
122, to legalize the proceedings of the board doing county business in Huntington county - - - - -	248	362	987
123, for the relief of James D. Conaway of Hancock - - - - -	271	271	290
124, to provide for the election of a justice of the peace and constable in the town of Canton in Washington county - - - - -	284	363	482
125, to establish a State road therein named - - - - -	284		
126, to provide for the election of a justice of the peace in Martinsville Vigo county - - - - -	285	363	482
127, to amend the act incorporating the Richmond and Boston turnpike company - - - - -	285	628	702
129, authorizing John T. Wheeler a minor to sell certain real estate - - - - -	285	363	
130, to locate a State road in the counties of White and Cass - - - - -	286		
131, to amend the act incorporating the town of Indianapolis, approved February 17th, 1833 - - - - -	299	628	927
133, to amend the act incorporating the town of Ve-vay, approved January 30, 1836 - - - - -	303	628	793
124, to ensure the leasing of water power therein named - - - - -	306		
135, authorizing the circuit court of the county of Cass to change the venue, &c. - - - - -	306	306	814
136, for the relief of William Kempton - - - - -	306	363	657
138, to provide for the election of a justice of the peace in the town of Bainbridge in Putnam co. - - - - -	306	363	482
140, to authorize D. M. Ingersoll and J. Jessup to build a mill dam across Eel river, &c. - - - - -	312	343	793
141, to incorporate the city of Fort Wayne - - - - -	313	363	713

BILLS OF THE HOUSE,

	Introduced.	Pass'd H. R.	Pass'd Sen.
No. 142, to locate a State road therein named -	316		
146, to encourage the raising of sheep and hogs, &c.	318	462	792
145, relative to the three per cent. fund in Spencer county - - - - -	318	364	482
147, to regulate the mode of petitioning the legislature, &c. - - - - -	318		
148, to change the name of Susannah Dearing, &c.	318		
149, to legalize the acts of the Probate courts in DeKalb county - - - - -	318	628	702
150, relative to the Probate courts in Bartholomew county - - - - -	318	628	703
151, to change the time of commencing the sessions of the General Assembly - - - - -	318		
152, to subject debts and equitable interest of judgment debts to payment of judgments - - - - -	318		
153, to incorporate the White Lick commercial company - - - - -	319	458	927
154, fixing the rate of toll for grinding - - - - -	319		
157, to relocate a part of a State road therein named	319		
158, to amend the act regulating the jurisdiction of justices of the peace - - - - -	319	656	755
159, to fix the time of holding probate courts in Marion county - - - - -	319	628	702
155, to incorporate the Walnut Bridge Cemetery	319	364	713
156, to incorporate the Fort Harrison Guards	319	364	482
160, fixing the times of holding courts in the sixth judicial circuit - - - - -	324	324	339
161, to incorporate the Wabash Rifle Rangers	329	628	988
162, to divorce Ruth Ann Douglass - - - - -	329	630	
162, to allow further time to Lawrenceburgh and Indianapolis rail road company to settle up their affairs - - - - -	329	628	793
164, relative to the purchase of a fire engine in the town of Jeffersonville - - - - -	332	628	713
165, to authorize the holding of an additional term of Washington county circuit court - - - - -	332	1	628 703
166, to locate the State road leading from Rising Sun to Versailles - - - - -	333		
167, concerning a State road therein named	333	628	
168, to locate a State road from the town of Marion to the town of Westport - - - - -	333		

BILLS OF THE HOUSE,

	Introduced.	Pass'd H. R.	Pass'd Sen.
No. 169, to confirm the title made by Harriet M. and Thomas H. Williams, minors, to certain real estate, &c. - - - - -	334	628	755
170, to relocate a part of the State road leading from Troy to Jasper - - - - -	334		
171, concerning the duties of the school commissioner of Crawford county - - - - -	334	628	713
172, to provide for the election of a justice of the peace in the town of Owensville, Gibson county - - - - -	334	628	703
173, declaring a certain road a State road in Jackson county - - - - -	335		
174, concerning witnesses in criminal cases - - - - -	335		
175, to locate a State road from Versailles to Dillsborough - - - - -	335		
176, locating the county of Benton and for other purposes - - - - -	335	628	768
177, to locate a State road in the county of Jasper - - - - -	336		
178, extending the provisions of an act providing for a more uniform mode of doing township business in the several counties, to Grant county - - - - -	341		
179, to incorporate the Lagrange Collegiate Institute - - - - -	344	628	
180, to repeal the act providing for the clearing out of Pride's creek in Pike county - - - - -	345	628	
181, to authorize the relocation of the State road passing through the town of Rising Sun - - - - -	345	628	792
182, to legalize certain acts therein named - - - - -	345	700	755
183, to locate a State road in Posey county - - - - -	345		
184, to revive an act incorporating the Lagrange manufacturing company - - - - -	346	628	703
186, to amend the act dividing the State into judicial circuits, &c. - - - - -	348	368	
187, to incorporate the 1st Presbyterian church of Crawfordsville - - - - -	348		
189, to amend certain acts therein named - - - - -	348		
190, to revive the amendatory act for the benefit of persons who are likely to suffer by the destruction of the records of Dearborn county, &c. - - - - -	348	628	703
191, to provide for the election of a justice of the peace in the town of White Hall, Owen county - - - - -	348	628	703
192, declaring main Flat Rock and big Blue rivers, in the county of Henry, public highway - - - - -	349	628	713

BILLS OF THE HOUSE.

	Introduced.	Pass'd H. R.	Pass'd Sen.
No. 193, to authorize the qualified voters of this State to vote for or against a revision of the Constitution of this State - - - - -	349	628	814
194, for the relief of the collector of Orange county	349	700	755
195, to incorporate the Wabash fire company	349	628	793
196, for the relief of Isaac Pennick - -	349	410	657
198, concerning the estate of Benjamin F. Butts	349	628	793
197, to amend the act incorporating the town of Jeffersonville - - - - -	349	628	
199, to provide for the reappraisal of a certain school section in Lake county - - - - -	357	628	
200, to provide for the erection of two bridges in Orange county, &c. - - - - -	357	628	718
201, to relocate the county seat of Lake county	357	631	718
202, to incorporate the Washington band of musicians	358	628	718
203, to relocate a part of the State road leading from Danville to Bellville	358		
204, to incorporate the Lawrenceburgh and Napoleon turnpike company	361	700	792
205, to postpone the February term of the Putnam probate court	361	436	469
206, to authorize boards doing county business to appoint jailors, &c.	361		
207, to incorporate the Deerfield and Marion turnpike company	362	628	927
208, to amend the act relative to crime and punishment	374	872	
209, for the better regulation of the militia in this State	374	956	984
210, changing the time of holding commissioners' courts in the county of Floyd	374	628	718
211, to provide for an additional justice of the peace and constable for Morgan township, in Harrison county	375	628	718
212, for the relief of John D. Morrison	375	629	952
213, to relocate the county seat of Scott county	376	629	718
214, to legalize the proceedings of a certain justice of the peace in Clay county	376	629	718
215, to relocate a part of a certain State road therein named	376		
216, to relocate the county seat of Huntington county	377	629	

BILLS OF THE HOUSE.

	Introduced.	Pass'd H. R.	Pass'd Sen.
No. 69, to authorise Osborn & Chamberlain to sue the State	377	481	713
217, to amend the act regulating the jurisdiction of justices of the peace	376		
218, to authorise the election of a justice of the peace in Noble county	331	629	755
219, to establish a certain road therein named	381		
220, making allowances to supervisors for extra services in Boone county	381	629	755
221, to amend the act regulating the mode of empannelling and summoning grand and petit jurors	382	421	657
222, to amend the act dividing the State into judicial circuits, &c.	386		
223, to authorize the circuit court of Spencer to hold an additional term	387	629	943
224, to provide for a more efficient system of common schools	396		
225, to incorporate the Kankakee bridge company, &c.	396	629	718
226, to locate a State road in the county of White	397		
227, to provide for a more uniform mode of doing township business in the county of Cass	397	629	718
228, declaring a county road therein named a State road	397		
229, to provide for the election of a justice of the peace, in Alquina, Fayette county	397	629	718
230, to locate a State road from Monrovia in Morgan county to Mill Grove in Owen county	398		
231, to amend the act providing for a general system of internal improvement	413	700	
232, to incorporate the 2d Presbyterian church of Indianapolis	414	700	
233, to annex all that part of East Knightstown lying east of Blue river to Raysville	414	700	924
234, to relocate the county seat of Blackford county	414	700	978
235, " " Sullivan "	415	632	
236, to change a part of the State road leading from Indianapolis to Pendleton	415		
237, to change part of the Strawtown and Pendleton State road	415		
238, to dissolve the bands of matrimony between Peter and Amanda Madousky	416	701	

BILLS OF THE HOUSE.

	Introduced.	Pass'd H. R.	Passed Sen.
No. 239, for the relief of Loyd Wedding . . .	437	700	924
240, for the relief of Mary H. Holliday . . .	442	700	952
241, for the location of a State road from Hagestown to Camden	442		
242, to amend the act for the incorporation of agri- cultural societies	454		
243, to encourage the raising of silk &c.	455		
244, to amend the act to encourage agriculture	455		
245, for the preservation and furnishing the State House	459		
246, for the relief of R. and H. Stewart	459	490	793
247, to authorize Daniel J. and Isaac Hancock, to build a bridge across South Hogan creek, &c.	459	781	925
250, to repeal the act locating a State road from N. Albany to Charlestown	463	700	792
261, to change the name of the town of Paris to that of Bryantsville	463	700	793
264, to authorize the removal of the obstruction to free passage of water down little Blue river	464	700	718
266, for the relief of the collector of Lake county	464	629	718
260, to amend the act for the prevention of frauds and perjuries	465		
248, to appropriate part of the three per cent fund in Ripley county	465	629	755
259, to amend the act pointing out the mode of levy- ing taxes, &c.	465		
267, for the relief of John Longacre	466	702	
256, declaring a misprint	466	629	718
257, to amend the act regulating the mode of doing county business	466	629	718
258, for the relief of the heirs and administrators of John Tipton deceased	466	629	703
263, relative to trials before justices in certain coun- ties, &c.	466	700	
268, authorizing A. Fraser to sell part of the public square in the town of New Washington	466	629	718
249, to amend the act granting the citizens of Mad- ison and Lawrenceburgh a city charter	466	700	
269, to amend the act incorporating the town of Mar- tinsville	466	700	
251, for the relief of the widow, heirs, &c. of Wil- liam Watt deceased	466	700	755

BILLS OF THE HOUSE,

	Introduced.	Pass'd H. R.	Pass'd Sen.
No. 252, for the redemption of land mortgaged to the State, &c.	466		
253, to amend the act regulating the practice in chancery	466		
254, to amend the act regulating the practice in suits at law	466		
255, to amend the act relative to crime and punishment	466		
265, for the relief of certificate holders in certain school lands in Monroe county	476	700	924
270, to amend the act regulating the jurisdiction of justices of the peace	467		
262, to provide for the election of a justice of the peace in Jacksonville Fountain county	467	467	703
271, supplemental to an act for the election of three school commissioners in Parke county	467	467	703
272, relative to the duty of the auditor of public accounts	474		
273, to amend the act concerning enclosures, &c.	475	629	
274, appointing agents for loaning surplus revenue, &c.	475		
275, for the relief of borrowers from the sinking fund and surplus revenue	476	875	
276, to change the name of Mary Burroughs	479	479	703
279, attaching Carroll county to the eighth judicial circuit	627	627	660
280, relative to the New Albany and Vincennes McAdamized road	633	700	913
281, to extend the time of payment to purchasers of school lands in Washington county	633	710	969
282, for the relief of Wm. B. Campbell	637	637	952
283, for the relief of James B. Johnson	637		
284, for the relief of Julia A. Wernwag	637	637	755
285, to relocate a part of a certain State road therein named	638		
286, to attach part of Carroll county to Cass county	639		
287, to amend the act dividing the State into judicial circuits, &c.	641	641	703
288, to vacate a State road in St. Joseph county	642	700	924
289, to amend the act organizing probate courts, &c.	648	876	987
290, to incorporate the Indiana Iron Manufacturing Company	651	876	

BILLS OF THE HOUSE.

	Introduced.	Pass'd H. R.	Pass'd Sen.
No. 292, to amend the act incorporating the Mayor and Common Council of Lafayette . . .	682	682	755
293, relative to Clay county seminary . . .	682	776	986
294, to provide for the summoning and empannelling grand and petit jurors in Delaware county . . .	682	700	755
295, to amend the act prohibiting the circulation of bank notes less than \$5 . . .	682		
296, to establish certain State roads and for other purposes . . .	683		
297, to incorporate the Harrison Guards . . .	683		
298, to amend the act attaching certain territory, &c. . .	683	700	814
299, to amend the act regulating the practice in suits in law . . .	683		
300, to repeal the act incorporating the mayor &c. of Lafayette, approved February 6, 1838 . . .	683	683	
301, to amend the act regulating general elections . . .	689		
302, to amend the act allowing the writ of " <i>ad quod damnum</i> " . . .	691		
303, concerning the State road from Charlestown to Salem . . .	696		
304, declaring part of Salt Creek a public highway . . .	697	697	755
305, to regulate the jurisdiction of justices of the peace in Hamilton county . . .	697	697	755
306, to change the times of holding courts in the eleventh judicial circuit . . .	698	698	755
307, to amend the act providing for a more uniform mode of doing township business, &c. . .	698	876	987
308, for the relief of Peter Hssey . . .	698	699	755
309, relative to the counties in the fifth judicial circuit . . .	699	717	986
310, to provide for the sale of Michigan road land . . .	708	893	310
311, for the relief of John Hyden of Owen county . . .	709	893	986
312, to authorize John Ashley to build a mill dam, &c. . .	709	876	987
313, to repeal a certain act therein named . . .	710	710	986
314, to provide for a more uniform mode of doing township business in Tippecanoe county . . .	711	711	986
316, to incorporate the Cass Guards . . .	712	876	987
317, declaring Musquito Creek in Harrison county a public highway . . .	715	715	986
318, declaring a divorce in a certain case therein named . . .	720	721	986

BILLS OF THE HOUSE.

	Introduced.	Pass'd H. R.	Pass'd Sen.
No. 319, for the relief of Adolphus Huggins of Ripley county	754	823	985
320, to change the name of the town of Newton to Renssaeleer	754	754	986
321, to amend the act pointing out the mode of levying taxes, &c.	768	754	960
322, to equalize the payment of taxes for improvement purposes, &c.	775		
323, to legalize the acts of the boards of justices of the peace in Crawford county	775	794	987
324, to dissolve the present Board of Internal Improvement, &c.	775	832	987
325, authorizing the board doing county business in Marion county to vacate the town of Bridgeport, &c.	777	780	986
326, to legalize the recording of the town plat of Marion	780	780	943
327, to authorize certain officers to make certain re-entries of judgments, &c.	780	780	943
328, to incorporate the Adelphian Literary Society	780	780	943
329, to incorporate the Clionian band of Rockville	780	780	943
330, defining the duty of the county board of Fayette county in a certain case	781	780	985
331, to incorporate the Patriot Silk and Trading Company	782	780	685
332, to establish the county line between Warrick and Gibson counties	782		
333, giving the board of county commissioners of Spencer county jurisdiction over a certain portion of Warrick county	791	791	943
334, to locate a State road in Monroe and Green counties	791		
335, to amend the act pointing out the mode of levying taxes, &c.	791		
336, to repeal act incorporating Noblesville Insurance company	794	794	943
338, concerning school districts in Scott county	808	808	984
339, to abolish the June term of the Jefferson circuit court	813	813	984
340, to locate a State road in Hancock county	814		
341, to provide for the election of a justice of the peace in the town of Pittsburgh Carroll county	820	820	984

BILLS OF THE HOUSE.

	Introduced.	Pass'd H. R.	Pass'd Sen.
No. 342, dissolving the bonds of matrimony between Josiah Gentry and wife	820	876	
343, to incorporate the Crawfordsville Female Institute	820	876	987
344, relative to collectors of the revenue	822	822	985
345, to divorce Mary Gatewood	832	832	
346, to relocate the county seat of Sullivan county	835	835	
347, to provide for the further prosecution of the Erie and Michigan canal	835		
348, to establish certain State roads, &c.	836	878	989
349, to alter the boundary line between the counties of Clay and Owen	878		
350, defining the boundary line between the counties of Clark and Floyd	878	878	985
352, to amend the act subjecting real and personal estate to execution	881		
354, to amend the act relative to roads and highways	886	886	985
355, supplemental to an act providing for the inspection of beef, flour, &c.	886	886	952
356, supplemental to an act to amend the law concerning domestic attachments	887	887	987
357, to amend the act regulating the practice in suits at law	889	889	
358, for the benefit of the assessor of Lawrence county	910	910	949
361, to repeal an act providing a more uniform mode of doing township business	922	922	985
362, for a certain State road therein named	923	923	985
363, making specific appropriations for the year 1840	925	949	978
364, to authorize the relocation of a certain State road in Carroll county	925	960	984
367, appointing surplus revenue agents	940	940	987
368, making general appropriations for the year 1840	940	940	985
369, to provide for the repair of temporary bridges on the Cumberland road	947	947	977
370, for the relief of Mentor S. Johnson	950	950	985
371, to amend the act incorporating Princeton	952	952	985
372, to locate a State road in Sullivan county	964		
373, to vacate a part of a State road.	965	965	984
374, to amend the act for the draining of Lost creek, &c.	965		

BILLS OF THE HOUSE.

	Introduced.	Pass'd H. R.	Pass'd Sen.
No. 376, to distribute so much of the three per cent. fund as is due Dearborn county	967		
377, authorizing the Secretary of State to bring suit against delinquent members of the board of internal improvement	967	967	
378, relative to probate courts in Clark county	969	969	980
379, for the relief of John Wynn and others	969	969	985
380, for the relief of those likely to suffer by the destruction of bonds and papers relative to the surplus revenue in Carroll county	969	969	985
381, legalizing the sale of certain school lands in Cass county	969	969	985
382, supplemental to the act changing the name of Harry Slocum	972	973	985

BILLS OF THE SENATE.

	Rep. fr'm Sen.	Passed House.
No. 9, authorizing Thomas Goudy, Sen. to build a mill-dam across Eell river	139	139
15, change the name of Germantown in Floyd county, to that of Galena	166	203
21, a bill for the relief of A. W. Noe	181	342
64, granting relief in a certain certain case therein named	298	
56, fixing the times of holding probate and commissioners courts in Parkē county	298	307
13, to incorporate the Orleans institute	298	177
97, to amend the act pointing out the mode of levying taxes, &c.	338	329
94, for the relief of Phebe Clymer	338	627
95, establishing a State road in Switzerland county	338	
7, to amend the act relative to practice in circuit courts	339	177
8, to provide for the support of the indigent blind of the State	339	177
11, for the relief of the heirs of Martin Berg	339	177
39, to amend the act incorporating county libraries	339	177
62, to incorporate the Orange Guards	339	177

BILLS OF THE SENATE.

	Rep. fr'm Sen.	Passed House.
46, to incorporate the Bartholomew county silk company	339	477
61, to amend the charter of Michigan City	339	
69, to authorize the sale of certain public ground in the town of St. Omer, &c.	339	699
70, relative to the times of holding the circuit courts in Laporte, Porter, and Lake counties	339	627
75, to revive a State road therein named	339	
18, for taking the enumeration of white male inhabitants above the age of 21 years in this State	404	630
23, to amend the act concerning insane persons	405	
27, to extend the time of payment to purchasers of school lands in Monroe county	405	477
38, to amend the act regulating prisons and prison bounds	405	
41, an act for the relief of Marion county	405	630
44, to amend the act incorporating the city of New Albany, &c.	405	627
63, relative to the college funds in Gibson and Monroe counties	405	627
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60, to prohibit the American Fur Company from banking in this State, &c. - - - -	633	
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132, authorizing Campbell Dale to build a mill dam &c. - - - -	704	704
116, to incorporate the Livonia Guards - - - -	713	713
121, to amend the act incorporating the P. & D. rail road company - - - -	713	713
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149, fixing the times of holding the sessions of the board of commissioners in Marion county - - - -	796	956
28, to abolish capital punishment - - - -	797	
48, to amend the act defining the duties of collectors, &c. - - - -	815	950
65, to repeal a part of the 50th and 51st sections of an act relating to State roads - - - -	815	950
84, to vacate Georgetown in Hendricks county - - - -	815	950
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106, to amend the acts relative to taking up water crafts, &c. - - - -	841	950
107, to provide for selecting, rating and selling lands yet due on Wabash and Erie canal, &c. -	841	960
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157, to relocate a State road in the counties of Gibson and Pike - - - -	944	944
53, to amend the act regulating the summoning of jurors, &c. - - - -	945	945
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57, to amend the act incorporating the Richmond and Boston turnpike company - - - -	945	945
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